

BOARD OF MAYOR AND ALDERMEN

July 16, 2002

7:30 PM

Mayor Baines called the meeting to order.

Mayor Baines asked for a moment of silence in memory of former Representative Fran Riley from Ward 8 who recently passed away.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard,
O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault and
Forest

Presentation of "Key to the City" to Beverly White in recognition of her 46 years of service to the Manchester City Library.

Mayor Baines stated we are going to be honoring a very distinguished lady this evening and by the way when we asked her to come here to present a key to the City she didn't feel she could accept one because she had received one from Mayor Benoit. The keys have all been changed since then so...let me read this to you and you will understand why we are honoring this wonderful public servant.

"Whereas Beverly White is retiring this year after 46 years as a valued member of the staff of the Manchester Library and since she began working at the Library on May 21, 1956 she has risen steadily through the ranks from Clerk to Art Librarian and along the way she has established a reputation among her co-workers and among the reading public as the consummate library professional; whereas her tenure was noted for the warm relations she cultivated among the staff and the public and whereas the occasion of her retirement affords a grateful City the opportunity to say thank you for a job well done and to wish her well in her richly deserved retirement, I, Robert A. Baines, by virtue of the authority vested in me as

Mayor of the City of Manchester in the State of New Hampshire do hereby proclaim today, July 16, 2002, to be Beverly White Day in Manchester.”

Mayor Baines stated please join with me in congratulating this outstanding public servant. Now one of the things that we do on occasions such as this is present a key to the City and you have probably heard me say similar comments in the past because we know the key doesn't open anything but it really is a symbol in this case of the doors of opportunity that this wonderful lady has opened to so many people who have come to the library for information. What she has done...I am sure she has influenced generations of people who love the library and what it represents so it is on behalf of the grateful citizens of the City that I present this key to the City to Beverly White in appreciation for 46 years of dedicated service to the Manchester City Library and the citizens of Manchester. Congratulations, Beverly.

Ms. Beverly White stated your Honor, Mayor Baines, the Board of Mayor and Aldermen and those in the peanut gallery, and my friends who I worked with at the Manchester City Library now I had this all rehearsed and naturally it just goes from me. I would like to thank you, your Honor. This is indeed a great honor that I do not deserve. In the past 46 years if I have done anything that has enhanced or enriched the lives of the citizens of Manchester I am very grateful. I appreciate the privilege of working for the City of Manchester for this period of time and I wish the City of Manchester the very best. Thank you.

Mayor Baines stated I would like Fred Ruscsek to come forward along with Chief Kane and Chief Driscoll. As you know, our community was struck with a very tragic event on Saturday evening and as a result of that tragedy obviously there are a lot of thanks that go out to the emergency personnel in the City and obviously at the center of that are the firefighters from the Manchester Fire Department. There are moments like that when you can be very proud to be a citizen of Manchester

when you see the skill and determination of our firefighters as they confronted this most significant challenge with this historic building in downtown Manchester. I commend the Chief and his entire department. What you saw unfold that evening and the days subsequent to that is really a team effort – everyone coming together to focus on what we needed to do first of all to return to safety to that area of the City but also deal with the very delicate situation of retrieving the files of the Health Department, which we are proud to report were pretty much intact, going through a relocation process that involved moving facilities first to the Police Station to establish communications and the very next morning at 7 AM on Monday if you called the Health Department the phone was answered. Information Systems stepped forward. Diane Prew and her staff did an incredible job. Of course at the center of all of these activities and again not leaving anybody out, every department in the City contributed in some way to help us through this very, very difficult time. I would like to ask Fred Rusczek, Chief Driscoll and Chief Kane to give an update to the Board of Mayor and Aldermen on this very difficult situation but first of all I want to publicly commend the fine public servants who lead these various departments throughout the City for an absolutely extraordinary job in a very, very difficult time and I want to publicly commend them. Despite the devastation there was not one single injury of any nature throughout this ordeal and I think that has a lot to do...I know it has a lot to do with the magnificent training and the equipment that we have provided to the people who have to respond in emergency situations. Why don't we start by having Fred talk a little bit about the status of the department and then I would like both Chiefs to comment as well.

Mr. Rusczek stated as you pointed out everything that happened in the last three days was a team effort. It started with the first meeting on Sunday morning where several departments came in from their weekend plans and folks came back from their vacations to support the Health Department and its needs and to get us

rolling. We have worked with these departments through the years but probably never sensed the level of support they could provide to one another and that we all provide to each other. We have worked with the Fire Department, for example, for years and now we have not only been recipients of their fire services but we have been guests in their house as we have our temporary quarters set up in the emergency operation center. The fire staff have gone out of their way to make our transition to this temporary housing very successful. Again, it was a team effort. Information Systems was absolutely instrumental. As you pointed out, when phones started ringing at about 7 AM on Monday morning when people called the Health Department they got the Health Department. That is something that still is amazing. Now that we are out about two and a half days, we are happy to say that with the assistance of many departments...the City Clerk's Office on Sunday helped pave the way to very rapidly line up a moving company so that was all set to go today and working with all the departments moving of the Health Department records and materials commenced at about 6 AM and was completed at about 6 PM this evening. The most important piece that we wanted to recover was all of our health records and health information. I am very happy to report that we have recovered 100% of our health records. Health records meaning the information that the public will need to access. If 10 years down the road someone needs an immunization record, we will have it. If we need to go into communicable disease records, we will have it. We have recovered all of them and never once was the confidentiality of these records in jeopardy. All of the records were locked and removed in the files and the contents were in good quarters. That was our primary priority. As we go down through the list, other health department records are important as well. For example, every septic system plan for homes in the City here are on file there. We recovered the vast majority of them. There are obviously a lot of work files, work records, equipment, supplies, furniture and fixtures that are gone, absolutely gone. We started out on Sunday morning with nothing more than a white pad and a black pen that was

given to us by the Fire Department and we are moving ahead and getting our clinics operational. We received tremendous support from the community. We have had offers of facility use from area hospitals and major healthcare providers such as the Hitchcock Clinic and tremendous support from agencies such as Child Health Services and the Community Health Center. The State Office of Community and Public Health got immediately involved and sent down a team to work with us yesterday to continue our restoration of our operations plans. On Saturday night, all of our communicable disease control activities and necessary public health functions were taken over by the State Health Department and they stood ready to help in any fashion that was necessary. Now that all of our records and stuff are out of the Health Department we will begin to restore our services as soon as we possibly can. I am happy to say that we are making progress in that regard.

Chief Kane stated I would first like to thank the firefighters in the City of Manchester and not only the firefighters in the City of Manchester but in the surrounding communities. Many firefighters came from out of town. Concord and Nashua were here. All of the surrounding communities that border the City were here in the City to assist us. The firefighters from the City of Manchester did an outstanding job battling a very difficult fire. The fire got to the point where it was because of the size of the structure and the age of the structure and how it was constructed. It was a wood frame on the inside and the fire traveled throughout. They did a tremendous job and as the Mayor said no one got injured. Not a citizen, not a firefighter and that in itself with over 200 firefighters fighting that fire is just remarkable. I certainly want to recognize them. Secondly, I have had many opportunities in the City to come together with the City department heads during different crisis times and pull together. This is another example and I never had any doubt in my mind that when the City of Manchester has a task or an issue and when department heads come together as we did on Sunday and said this is

what we need to do, the professionalism of the people in the City of Manchester that work for the City of Manchester was outstanding. Recognizing the Police Department for their efforts...they were just there all the time. The Highway Department – again they were there with us. Also Information Systems. Most importantly I would like to recognize the Health Department. Their employees worked...when they came in I said these people have got a big job ahead of them and they came in and saw what the job was and organized themselves and got it done. They did a tremendous job, every single one of them. The citizens of Manchester, many of them who were in the area interfacing with City departments understood what we were going through. We blocked off a major section of the City of Manchester. There were really no complaints. There were 20 businesses that were affected and we had to deal with those people. There were many businesses that were affected in the downtown area and we had to interface with those businesses. In two days we got it back together again. Current status is that all of the businesses in the area down there are open. The Fire Department and the Police Department and the City is relieved of the building as of 7 PM tonight. Now the process starts on rehabbing and rebuilding. Obviously the Health Department has a major task ahead of them but they are up and operational. I would just like to thank everyone in the City for their support – the citizens, the Board...the Mayor was certainly there on a number of occasions and the other department heads.

Chief Driscoll stated I also am very pleased with the response of the community. When I say the community I am not only talking about the department heads and the City employees but the way our City has reacted. As Joe mentioned, the local business community, the understanding of the disruption that occurred downtown. We have had nothing but full support from everyone. As many people know and perhaps some do not know, the Mayor's Office along with Bill Jabjiniak brought together all of the folks that were impacted this afternoon and spent probably an

hour and a half with them to make sure that they had current and updated information. From my perspective, we are a lot further ahead than we anticipated being. Everything has come together very well and that is only because we were able to get the people in the right places at the right times. I am just very thankful for the help and support of everyone and hats off to everybody who played a role in this.

Mayor Baines asked Bill Jabjiniak to come forward. In the aftermath of this effort, one of the efforts that we put in place...again we began meeting Sunday morning at 10 AM here at City Hall and we had a series of meetings to put in place a procedure obviously to deal with the relocation of the Health Department but our next area of concern was what was going to happen to the businesses – there were approximately 20 small businesses that had been put out of business because of this tragedy. We began to meet with them. A lot of them we met right on the street actually and we are interacting with them because their main concern is where they are going to go and where they can relocate. I want to thank Alderman O’Neil for coming in on Monday and sitting with me through the meetings and helping to guide the process along. It culminated today with a meeting with the businesses...a number of them were impacted. One lady was there and she and her partner had been in that building for 34 years. There is a lot of emotion that we are dealing with with these people. It is their livelihood but it is also just a profound sense of loss that they are feeling and what we have done is put in place...first of all gathering and developing an inventory of available properties. There has been a tremendous outreach by the people that have properties available. In fact, we are asking people in the area who have properties that might be available to contact the Economic Development Office and give that information to them because we are creating a database of information for these people as we help them to relocate. We are also trying to identify whatever resources...not only human resources but financial resources that we can bring to

bear to help some of these people get re-established. We are just trying to do whatever we possibly can do to help these people. Again, I am very, very proud of the effort that we have put forward with everybody working together and Bill if you can just update from your perspective where we are at with some of these initiatives.

Mr. Jabjiniak stated as someone just said, there was approximately 20 different businesses and about 75 to 100 employees in the building. The Economic Development Office – Jane Hills and Jay Taylor, were here bright and early on Monday morning and started on putting together a list of current tenants. They had approximately 12 different property owners respond with available space. That together with the database that we already maintain created some opportunity where I think this market can absorb a lot of the people who were displaced. I guess one of the big concerns from this afternoon's meeting is obviously getting them back into the building. As of 7 PM they were able to contact the owner and get back in and get their belongings and make those arrangements. I think it is important that they start to re-establish. It is important that we got the street going in both directions, north and south. Merrimack Street is open. It is a secure area. The businesses around it were concerned and we have been interacting with them as well. There is a lot of cooperation and effort going forth there. Three of four of the businesses have already been placed. A law firm was already placed at 55 South Commercial Street yesterday. There are a couple of other ones who are very proactive in securing space and the key is to keep them all in the City of Manchester and I think that as the Mayor said if anyone else has space available certainly relay that information. I made an appointment this afternoon for the next couple of days to take some people on a tour of properties that are available right downtown. I think we just need to stay proactive and keep things moving.

Mayor Baines stated again if people have properties available they should contact the Economic Development Office here at City Hall with that information.

Update by Welfare Commissioner Martineau relative to the recent Neighborhood Housing Services housing rental proposal; and

Communication from Welfare Commissioner Martineau submitting Welfare Guidelines for adoption by the Board per RSA 165:1(II).

Alderman O'Neil stated I notice that well down on the agenda there is another item from the Commissioner and I was wondering if we could take them both at the same time. It is Item 23.

Commissioner Martineau stated to give you an update, as you know I came before you back in April seeking to have a rental lease agreement on the Uptown Motel, which is the Notre Dame College motel behind Pappy's. At the time, we were coming off having spent over \$53,000 in hotel and motel rent in January and in February over \$21,000. In March it was \$10,000 so I felt at that time that if we had an opportunity to lease this that we could use it in lieu of hotels and motels. Alderman Gatsas thought at the time that the cost, rightfully so, seemed high and he said that we should form a Committee and Alderman DeVries, Alderman Gatsas and myself met with Felix Torres and Sal Stephen-Hubbard who work for Manchester Neighborhood Housing. It was determined, through their diligent work that actually the management cost was high and they should come back with another proposal. What has happened since that time is that in April the cost was like \$5,500 and in May we spent like \$1,600 in hotel rentals. In June it was \$600. Obviously we started talking about the Straw building instead of the motel because I got a proposal from them indicating that their management people aren't familiar with running hotels but they are familiar with running apartments. Now what they came forward with was the fact that...I wanted to say that if we could use it if we reach a certain plateau then we could utilize that facility and in the Straw Manor it

has six studios, eight one-bedrooms, two two-bedrooms and one five-bedroom. However, what they showed me based on their cost and so forth in July, August and September for them to open it up and maintain it would be something like \$13,204. In October it would go because of the heating up to \$15,704. November, December, January, February and March it would climb to \$16,300+ and then in April it would go back to \$15,704 and in May \$13,204. I don't believe we are ever going to reach that plateau again so it doesn't seem feasible to do that and that is where I stand right now. I tell you I am very proud of my staff and I want to take this opportunity to praise them because it is surprising what people can do when you let them do their job and you back them up. As I indicated, we went from over \$53,000 in January to \$600 in June. The other thing I noticed also was that total Welfare benefits in January were \$146,218. In February we went down to \$66,000. In the last four months we have been hovering around \$53,000. To me that is good news because hopefully if we maintain this I think we can live within our budget, the budget we had last year and that is going to be quite a feat. The other thing on the agenda is the guidelines. I have been working on that since January and I took guidelines from various communities and from the NH Municipal Association that designed some guidelines. I worked on them and after I was done I was looking at it from a legal aspect and so forth and it has been looked over by the City Solicitor and approved. I got two case workers who have been there quite a while – Denise Szarek and Charlene Parsons, and my business manager, Gene Mackey and we got together and streamlined this thing based on actual cases and what could be done and so forth. I think I have come up with a good set of guidelines and I would appreciate it if you would pass that tonight and we would have guidelines to work by.

Alderman Gatsas stated I commend you, Commissioner, for the work you did and I think maybe the lesson to be learned from this experience is that this whole Board, before we start looking at scenarios of \$190,000 of expense, should sit

down and rationally understand whether we need to do that and whether it is such a good deal. Six months ago we entered into a contract and spent that \$190,000 and certainly have not been able to fulfill the needs of that building. I think again, your Honor...I am more upset that an agency that this City and I don't mean the Welfare Department but I mean an agency of this City that we certainly give a lot of support to and a lot of money to came with a contract to us that had an inflated management fee in it. Now I don't think that is right and I don't think that is fair and I think we should take a look at everything that we do here from a dollars and cents because as I said last month every vote that we take on this Board during the course of the year sets the budget tone for the following year. I think we should start taking a deep breath, take a look at what we are doing and where we are going because the 11% increase that we have seen in taxes is certainly going to prevail itself again next year.

Commissioner Martineau replied obviously I wasn't privy to Manchester Neighborhood Housing as far as them coming to the Board for other funds but I do know that Felix Torres and Sal Stephen-Hubbard told us that they wanted to cooperate with the City. My feeling is that if we would have gone into that contract based on that realizing that we reduced these costs I feel as though they probably wouldn't have held us to that but they would have let us out of it. That is my personal feeling. Legally I don't know if they would have forced us to do it. That is my feeling. You can disagree.

Alderman Lopez moved to adopt the Welfare Guidelines per RSA 165:1(II).
Alderman Thibault duly seconded the motion.

Alderman Gatsas asked is that under separate copy.

Mayor Baines answered it is Item 23.

Deputy Clerk Johnson stated it was forwarded under separate cover with the traffic ordinance item.

Alderman Shea stated, Paul, you mentioned about the decrease in the benefits to the people. Even though our economy is sort of in a state of flux how would you explain or why are the amount of claims going down in terms of your office?

Commissioner Martineau replied well what is happening is clients coming in we are basically verifying all of the information. Obviously if they have other assets or other means then we don't have to extend as much aid or they may not qualify for aid. It is a matter of verification and I think what has happened is that the policy was well if you come in and we have a problem we are going to solve it. Basically, we just have to take care of food, housing, medicine and clothing – the basic necessities. We are a safety net. There are other State agencies out there that we can refer people to because they can get temporary aid for families and food stamps. There are other means for them to get support other than through our office and that is what we have been doing. We have been referring quite a few people.

Alderman Shea stated but you mentioned at one time it was \$146,000...

Commissioner Martineau interjected in January.

Alderman Shea stated and it went down considerably since then.

Commissioner Martineau replied that is right.

Alderman Shea asked and it is just predicated upon the verification.

Commissioner Martineau answered yes.

Mayor Baines stated I think it is good management that is in place and it is making a difference. There is no question about that. Would you like to review the guidelines, Commissioner?

Commissioner Martineau stated basically there is a table of contents and it talks about our mission. Our mission statement simply says that we provide emergency assistance to individuals and families who lack adequate resources. We are facilitators in that we direct those in need to relief agencies such as federal, state and non-profit agencies, therefore reducing the burden on our departmental budget and the Manchester taxpayers. We strive to promote self-reliance and independence in all we serve so that they may become productive citizens. Then we have an outline here and what we do is go through some definitions and we have different clauses in there like the maintenance of the records, the application process, we have what is the responsibility of the welfare officials and what are the responsibilities of each applicant and each client. Then we have actions taken on the application. We talk about home visits if they are required and verification of information. We talk about how we disburse things. We never give cash. We simply give vouchers. One of the things that bugs me is I went around to the different supermarkets in the town that we do business with and people say to me well I saw somebody in line and they were buying shrimp or lobster or whatever. Well that is because they have food stamps from the State. That is the State program. In our case we have vouchers and on the back of the vouchers it says those items that are prohibited such as fancy cuts of meat, lobster, shrimp, pet supplies and so forth. It is right there on the voucher that they can't purchase this. When people see this, it is not us it is the food stamp program and I have no control over that.

Alderman DeVries asked how do you envision the use of this particular document. Is it an educational tool for you with other social service agencies?

Commissioner Martineau answered what it is is a guideline. Once this is approved we are going to have a copy at the library at both locations and we will have one at the City Clerk's Office and we will also put it on our website so it tells people exactly what they need to do when they come to our office. By State statute you have to have guidelines and they have to be approved by the governing body, in this case you. To my knowledge this hasn't been done so this is what I am bringing forth tonight.

Alderman DeVries stated I commend you on the effort.

Mayor Baines stated actually this was a procedure that was supposed to be followed...I think the Commissioner found out that this was supposed to be presented to the Board of Mayor and Aldermen and he has done that and I commend him again for doing an excellent job.

Alderman Gatsas stated I am reading the legal standard and interpretation of residency. I am on Page 15. It says a person cannot be denied assistance solely because he or she is not a resident. Now I think you and I had some discussion when you first took office about people coming from the Southern tier to Manchester because we were just serving them and not sending them back to their primary residence. Is that...because of the decline that you have talked about since January until now is that because you were sending people back to their original residence?

Commissioner Martineau replied that is one of the things we are doing. You are correct. The law was written back in the late 1800's and at that time usually communities would take care of their own but what has happened in the State here is a large City like Manchester...they call it dumping. If they go to a small community that doesn't have the assets or the means they will tell them to go to Manchester. I know that is happening at New Horizons also. I have talked to Mike Tessier about this. My feeling is that the statute should be changed to say that a person should apply at their principal place of residence or their last known address so, therefore, the responsibility would be on that community. If that community doesn't have the resources then they should engage in some sort of a contract with say Manchester or some other communities and say fine if you take care of our people we will make up the difference and pay for it.

Alderman Gatsas responded so your suggestion is that we should be changing an ordinance to allow you to send them back to their principal residence.

Commissioner Martineau stated no this is a State statute. If someone comes to Manchester now...

Alderman Gatsas interjected so your suggestion is that we change it at the State level.

Commissioner Martineau stated yes and I don't know how difficult that is going to be. All of the representatives in Concord from the small communities probably won't go along with that.

Mayor Baines called for a vote on the motion to adopt the Welfare Guidelines per RSA 165:1(II). There being none opposed, the motion carried.

Discussion regarding Singer Park.

Mayor Baines stated we are dispensing with this item on the advice of the City Solicitor. As many of you know there has been a lawsuit filed and the City Solicitor advised us that it would not be in our best interest to have a public discussion about this situation this evening because of that pending litigation.

Alderman Wihby stated I asked them to come because I think there is a lot of stuff going on that the Board should know about. We read in the newspaper that there is a lawsuit going on but nobody has told this Board what is going on. Also, the agenda states there is a communication from Preti Flaherty regarding the concert stage and I didn't get that in my packet.

Deputy Clerk Johnson replied I would have to research that.

Mayor Baines stated we could consult with legal counsel about the situation if the Board desires. We could do that either tonight or at a subsequent meeting to get an update as to exactly what is going on.

Alderman Wihby asked can we go into executive session and have him tell us what is going on.

Mayor Baines answered yes. We could do it right now or at the end of the meeting.

Alderman Wihby asked can we do it at the end of the meeting.

Mayor Baines answered yes I would suggest we do it then.

Alderman Wihby asked what about the communication.

Mayor Baines answered Carol is going to research that.

Deputy Clerk Johnson stated I have to research that. It could be downstairs and just didn't get photocopied.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Minutes Accepted

- A. Copies of minutes of meetings held on May 6, 2002 (two meetings); May 7, 2002 (two meetings); and May 21, 2002 (two meetings.)
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

Ratify and Confirm Polls Conducted

- B. Approving the rescheduling of BMA/Committee meetings during the month of July (13 yeas, Alderman Garrity opposed).
- C. Approving the request and consent to transfer of AT&T's Cable Franchise to AT&T Comcast Corporation (13 yeas, Alderman Wihby opposed).

Approve under Supervision of the Department of Highways

- D. PSNH Pole License Petitions as follows:
 - #11-946 Wilson Crossing Road
 - #11-949 Sheffield Road
 - #11-950 Sheffield Road

#11-952	Heathrow Avenue and Wellington Hill Road
#11-953	Bridge Street Extension
#11-954	Lake Shore Road

Informational - to be Received and Filed

- E.** Communication from Leslee Stewart, Board of School Committee Vice-Chairman, extending their gratitude to the City for its commitment to the Manchester School District and looking forward to convening a special joint meeting with Dr. Michael Ludwell, the District's new School Superintendent.
- F.** Minutes of meeting of the Mayor's Utility Coordinating Committee held on June 19, 2002.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)
- G.** Minutes of meetings of the MTA held on April 30 & June 4, 2002 and copies of the Finance and Ridership Reports for the months of April and May of 2002.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)
- H.** Communication from Thomas Bowen, MWW Director, submitting copies of the Water Works' financial statements for year-ending December 31, 2001 and report of the independent auditor's report.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)
- I.** Communication from the State of New Hampshire, Department of Transportation relative to authorization to proceed with force account agreement work.
- J.** Communication from the State of New Hampshire, Department of Transportation advising of contemplated awards.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- K.** Communication from Dennis Ancil of the Highway Department submitting

a proposed ordinance amendment to Chapter 52: Sewers relative to off-site sewer improvement cost recovery fees.

COMMITTEE ON FINANCE

- L.** Communication from Kevin Sheppard, Deputy Public Works Director, relative to the 9% budget reduction's effect on the Building Maintenance Division.
(Note: communication from the Chamber of Commerce regarding this item enclosed.)
- M.** Copy of a communication from Sgt. Lloyd Doughty, President of the NH D.A.R.E. Officers Assoc., seeking support for the program by sponsoring an ad in the Souvenir Program Book which will be distributed to those it attendance at the Benefit Flag football game to be held on Saturday, September 21st at 7 PM at Singer Park.
- N.** Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seven Hundred Sixty Five Thousand Dollars (\$765,000) for the 2003 CIP 510603, Livingston Park Pool & Bathhouse Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$1,300,000) for the 2003 CIP 510803, Derryfield Country Club Rehabilitation Projects.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Thirty Five Thousand Dollars (\$235,000) for the 2003 CIP 510903, Gill Stadium Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2003 CIP 511003, JFK Coliseum Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Hundred Thousand Dollars (\$500,000) for the 2003 CIP 511103, West Side Ice Arena Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thirty Five Thousand Dollars (\$335,000) for the 2003 CIP 511203, Park Capital Improvement Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Million Three Hundred Thirty Thousand Dollars (\$4,330,000) for the 2003 CIP 710203, CSO Projects.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seven Hundred Thousand Dollars (\$700,000) for the 2003 CIP 711703, Granite St. Road/Bridge Widening Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Hundred Fifty Five Thousand Dollars (\$555,000) for the 2003 CIP 711503, TIP Improvement Project (Candia Road Construction) Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Million Six Hundred Thousand Dollars (\$3,600,000) for the 2003 CIP 711703, Cemetery Brook Collector Rehabilitation Program.”

O. Resolutions:

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Six thousand Dollars (\$6,000.00) for the 2001 CIP 411001, Weed & Seed Coordinators.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for the 2002 CIP 711302 LED Replacement Program.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Fifty Thousand Dollars (\$1,050,000) for the 2003 CIP 215703, Public Health Preparedness and Response.”

REPORTS OF COMMITTEES

**COMMITTEE ON ACCOUNTS, ENROLLMENT
AND REVENUE ADMINISTRATION**

P. Advising that a public hearing is not warranted for Ordinance:

“Amending Section 52.116 of Chapter 52 Sewers.”

and recommends that the ordinance be referred to the Committee on Bills on Second Reading for technical review.

- Q.** Recommending that the Board approve the 4th quarter FY02 write-off list for the Accounts Receivable module as enclosed.
- R.** Advising that it has accepted the monthly financial statements for the eleven months ended May 31, 2002 and is forwarding same to the Board for informational purposes.
- S.** Advising that it has accepted the monthly CIP report for the eleven months ended May 31, 2002 and is forwarding same to the Board for informational purposes.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- U.** Advising that it has reviewed Ordinance amendment:
“Amending the Code of Ordinances of the City of Manchester by creating §118.12(C)(8), Standards for denial, prohibiting registered sexual offenders from obtaining a license to drive a taxicab in the City of Manchester.”
and recommends that same be referred to the Committee on Bills on Second Reading for technical review.
- V.** Advising that it has approved a request from Jonathan Hallet to extend the operating hours of his hot dog cart in front of Ye’ Olde Cobbler Shop from 8PM until 2AM.

COMMITTEE ON COMMUNITY IMPROVEMENT

- W.** Recommending the Board authorize acceptance and expenditure of funds in the amount of \$6,000.00 from the Executive Office of the President, Office of National Drug Control Policy for the 2001 CIP 411001 Weed & Seed Coordinators, and for such purpose a resolution and budget authorization has been submitted.
- X.** Recommending that the Board authorize acceptance and expenditure of

funds in the amount of \$20,000.00 from PSNH for the FY2002 CIP 711302 - LED Replacement Program, and for such purpose a resolution and budget authorization has been submitted.

- Y.** Advising that it has approved a request from Bruce Thomas of the Highway Department to complete work on Elmwood Avenue as part of the City's Chronic Drain Program to be funded out of balances in the program.
- Z.** Advising that it has approved a request from Ron Ludwig, PR&C Director to apply for a LCHIP grant which would assist in the planning and development of the Valley Street Cemetery Master Plan.
- AA.** Advising that it has approved a request from the Planning Director on behalf of the city's safety agencies to apply for potential eligibility of funding from the State Attorney General's Office and State Department of Justice relating to domestic preparedness.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- AB.** Advising that it has reviewed and approved ordinance amendments:
 - “Amending Section 33.075 (Holidays) of the Code of Ordinances of the City of Manchester.”;
 - “Amending Section 33.079 (Vacations) of the Code of Ordinances of the City of Manchester.”; and
 - “Amending Section 33.081 (Sick Leave) of the Code of Ordinances of the City of Manchester.”and recommends same be referred to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- AC.** Advising that it has accepted the enclosed project financial and status reports and the architects' and consultants' reports for the month of June relative to ADA Accessibility/School Elevators - Parker-Varney Elevator/ADA Improvements, NORESO Performance Contract, Roofing Projects - Manchester Schools, McLaughlin Middle School Addition Central High H&V Phase 6 and Window Replacement, Bakersville Kindergarten & Electrical Improvements, Southside Middle Classroom Addition & Hallsville Bathroom Renovations, Highland Goffs Falls &

Parker-Varney Flooring Replacement, and Memorial High School Media Center and is submitting same to the Board for informational purposes.

COMMITTEE ON LANDS AND BUILDINGS

- AE.** Recommending that the City accept and execute a Quitclaim deed for the property located off of Front Street (Tax Map TPK 7, Lot 41) subject to the review and approval of the City Solicitor.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- AF.** Recommending that a request from The HippoPress to utilize the Rubenstein Lot free of charge in conjunction with their Outdoor Family Film Series to be held at Singer Park on Tuesday evenings from July 23, 2002 through August 27, 2002 be granted and approved subject to meeting the requirements of the Highway, Risk, Traffic, Police, Fire, Building and City Clerk Departments. The Committee notes that although The HippoPress is being granted permission to use the Rubenstein Lot free of charge, an appropriate fee may be charged to offset some of the costs associated with the film series.
- AG.** Recommending that a request from the Manchester Church of Christ to use the Pine Street Parking Lot on Saturday, October 5, 2002 from 7 AM until 5 PM in conjunction with their annual "Give-Away-Day" be granted and approved subject to meeting the requirements of the Highway, Risk, Traffic, Police, Fire, Building and City Clerk Departments.
- AH.** Recommending that certain regulations governing standing, stopping and parking, be adopted and put into effect when duly advertised.
- AI.** Advising that it has reviewed and approved the recodified and revised Traffic Ordinance:
"An Ordinance repealing 'An Ordinance Regulating Traffic Upon the Public Streets of the city of Manchester' and Amending the Code of Ordinances of the city of Manchester by deleting Chapter 70 in its entirety and replacing same with a new Chapter 70 Motor Vehicles and Traffic."
and recommends same be referred to the Committee on Bills on Second Reading for technical review.

(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

**HAVING READ THE CONSENT AGENDA, ON MOTION OF
ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN PINARD, IT
WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

REPORTS OF COMMITTEES

**COMMITTEE ON ACCOUNTS, ENROLLMENT
AND REVENUE ADMINISTRATION**

- T.** Advising that it has accepted the following Board of Assessors reports:
- 1) update of tax base;
 - 2) status of overlay;
 - 3) status of outstanding abatements;
 - 4) status of tax appeals; and
 - 5) status of exemptions and payment in lieu of taxes
- and is forwarding same to the Board for informational purposes.

Alderman Wihby stated on Item 1 it says update of the tax base. I read an article in the *Union Leader* saying that the tax base number was wrong. Can we go over that? Was it and who is saying it is?

Mr. Steve Tellier stated I did speak with the author of that article in the *Union Leader*. Part of the conversation we had was not included in the text of today's article. That being that the tax base being fluid, the loss of a perceived tax base was directly attributable to a lot of work done on appeals. We hadn't yet had an opportunity to implement all of the new construction in the City yet that we are still doing at this time and that portion was not included in that article.

Mayor Baines stated or in that number either.

Mr. Tellier replied right. What was reported as a \$47 million reduction was accurate. That was accurate. However, that will be mitigated by new construction that we are in the process of putting in.

Alderman Wihby asked so when we set the tax base and we had a number and we said there was an extra \$25 million that we were going to assume...

Mr. Tellier interjected that was an estimate that we brought up in February. The end of the appeal period didn't end until March and we are in the process now of executing and disposing of as many of the appeals as possible and still doing our regular work as well.

Alderman Wihby stated the article said there was \$47 million less. Is it \$47 million less?

Mr. Tellier replied at that time it was. It is climbing back up now.

Alderman Wihby asked what does at that time mean.

Mr. Tellier answered that was the last report from April 1 until June 18. We are working on...there will be another report forthcoming to this City.

Alderman Wihby asked so April 1 is what we are talking about.

Mr. Tellier answered April 1 is the tax date for the State of New Hampshire but we are going to be putting in all of our construction. That is what we are doing now for the MS-1. That will be done in October.

Alderman Wihby asked and you think that will be at the most \$25 million.

Mr. Tellier answered we will be fortunate to meet that number. We reported to the Committee on Accounts, Enrollment & Revenue Administration that it could relatively be a flat tax base and that our \$20 to \$25 million was conservative but somewhat optimistic. We had over \$800 million under appeal. Over 1,400 appeals.

Alderman Wihby stated I am not trying to blame anyone. We know it was a number that was set. I guess what I am getting at is where are we right now today. Are we expecting a \$47 million decrease in the tax base?

Mr. Tellier answered no. It is climbing back up.

Alderman Wihby asked \$45 million.

Mr. Tellier answered it is too early to say quite frankly. We are still putting in new construction and the new houses and additions and all of the stuff that is in the City.

Mayor Baines asked can you give us an update at the next meeting.

Mr. Tellier answered we will make every effort to do that, absolutely.

Alderman Wihby stated when you say you are running flat from last year you are assuming that we are not going to get the \$25 million either.

Mr. Tellier replied we are cautiously optimistic that we may meet that number but I can't look at you and tell you that we are going to meet that, no.

Alderman Gatsas stated let me understand this and let's go slowly because I am lost. April 1 you understood that there was a \$47 million shortfall?

Mr. Tellier replied no. That number is fluid. From December through April the vast majority of our work was to try to process as many of the abatement appeals as possible. We had over 1,400 of them and we reported on that. We did not start to add additional construction until late spring and we are still doing that presently.

Alderman Gatsas stated let's forget about the new construction because that is only going to take the \$47 million number to a lesser number when you plug that in. In other words, it is going to go from \$47 million to \$25 million in new construction and there is going to be a deficit of \$22 million. Is that correct?

Mr. Tellier replied correct.

Alderman Gatsas stated so before we figure that construction and the fluid number that you are talking about, when was the first time that we realized we had a shortfall of \$47 million.

Mr. Tellier replied when we reported to the Committee on Accounts.

Alderman Gatsas asked which was when.

Mr. Tellier answered that would have been approximately four or three weeks ago.

Alderman Gatsas asked and what you are saying to me is that the first time the red light went on was four weeks ago.

Mr. Tellier answered no. We are still waiting. We won't even know what the Public Service...

Alderman Gatsas interjected did you know that there might have been a \$30 million shortfall by June 1.

Mr. Tellier stated we had an anticipated growth amount of what the permits were out there. What we didn't have a handle on was what degree of exposure we had to the appeals that we are going through now, which counter balance each other.

Alderman Gatsas replied but you had that idea by April 1, the appeals.

Mr. Tellier responded we knew the total, absolutely.

Alderman Gatsas asked if that appeal base was \$50 million on April 1 it must have been \$47 million on April 1 on the appeal basis...is that correct.

Mr. Tellier answered that is half-correct. The other half is that we are still adding new construction to mitigate that difference.

Alderman Gatsas stated my question is that the appeals, the 1,400 appeals that you had showed a shortfall of \$47 million and you knew that because they had to file it by April 1. Is that correct?

Mr. Tellier replied March 1; that is correct.

Alderman Gatsas asked so why at no time during the budget process did you ever make this Board aware of that.

Mr. Tellier answered at the time during the budget process I remember distinctly that I reported to the Board that we were cautiously optimistic that we would meet that additional \$20 to \$25 million but at no time did I state unequivocally that we would meet that and I remember notifying the Board as well that \$10 million in assessment, although it is a large number, represents less than a nickel on the rate. I remember reporting that as well.

Alderman Gatsas replied but you never reported that there was a \$47 million shortfall.

Mr. Tellier responded that is correct.

Alderman Gatsas stated you knew it by April 1 and we hadn't got into the budget...when did the Mayor turn his budget over, right around then wasn't it.

Mayor Baines replied it was at the end of March.

Alderman Gatsas stated so on April 1 when you had all of your abatements in or all of your appeals you would have known that number and my question is why during the process and I think you were asked was it never said we have 1,400 appeals which could affect the rate and it is up to \$47 million and we haven't put the fluid motion of new construction in there which may bring it down. This Board never knew that.

Mr. Tellier replied we didn't have a number to report but we did, I did, report to this Board that we were exposed to that kind of money.

Alderman Gatsas asked you did.

Mr. Tellier answered absolutely.

Mayor Baines stated you did talk about the number of appeals and if I heard you correctly when Alderman Wihby talked to you are still optimistic that we may still meet it and you are going to give us an update in August.

Mr. Tellier replied that is correct.

Alderman Gatsas stated the only way we can meet it, your Honor, is if there is \$47 million in new construction. It has to be a full \$47 million or we are going to have a shortfall. If you only do \$25 million like you did last year flat line, we are going to have a \$22 million deficit.

Mr. Tellier stated we have added some construction. That is a dated report. We have another one coming to the Committee on Accounts, Enrollment & Revenue Administration in the coming weeks. We are creeping back up there.

Alderman Gatsas stated but in your own words it is flat from last year.

Mr. Tellier replied yes. \$25 million is less than ½%.

Alderman Gatsas responded if we did \$25 million last year, that is flat.

Mr. Tellier stated it is ½%.

Alderman Gatsas stated wait. New construction last year was roughly \$25 million. If we say we are going to do \$25 million we are still \$22 million short from achieving that number.

Mr. Tellier replied that is correct.

Alderman Gatsas stated this Board was never made aware of that.

Mr. Tellier responded quite frankly, Alderman, we believe we have made every effort in reporting the amount of exposure that we had in the appeals. That was a number that was predicated in February. In April we were still cautiously optimistic. We are just reflecting the tax base; we are not creating it.

Alderman Gatsas stated you never reflected a \$47 million shortfall.

Mr. Tellier replied we showed a report that was over \$800 million in exposure.

Alderman Gatsas asked who did you show that to.

Mr. Tellier answered to this Board in the reporting of the appeals.

Alderman Gatsas asked during the budget process.

Mr. Tellier answered absolutely. We talked about that. You can check the records.

Alderman Wihby stated I think what happened is everybody assumed that you were taking into consideration the loss because of the abatements we were giving and you were increasing it \$25 million for new construction so all of those numbers were in there and that is not what is happening. Again, if you do expect \$25 million and you are saying you might, you are still going to be \$22 million short. Isn't that true?

Mr. Tellier replied that isn't a certainty. As I indicated we are still putting in a lot of new construction.

Alderman Wihby asked do you think the new construction is going to go over \$25 million. Is that what you are telling me?

Mr. Tellier answered it could meet last year's number, which would indicate somewhat flat but we are still talking ½%.

Alderman Wihby asked so when you say flat you are talking over \$25 million.

Mr. Tellier answered flat would be...last year's number was \$5.155 billion. What was added for the budget process was \$25 million to \$5.180 billion.

Alderman Wihby stated you are losing me now. When you talk flat are you saying that we are going to get that \$25 million or we won't get that \$25 million?

Mr. Tellier replied we hope to meet at least last year's number and when I say flat I am not including the extra \$25 million.

Alderman Wihby stated so if you are hoping just to meet last year's number then you are going to be short at least \$25 million.

Mr. Tellier replied right, which would represent about 12 cents on the rate.

Alderman Wihby asked so you do expect that. You hope to meet last year's number, which is...

Mr. Tellier interjected we hope to at least meet last year's number and possibly inch towards what was projected. We are not certain. I can't look at you and tell you that is a certainty at this early juncture still.

Alderman Wihby asked so when you did the number and you threw the number out and I don't know when the budget was adopted by it was sometime in June and everybody was calling and we were trying to find money here and there and I am sure you got phone calls asking if we could still use this tax base and the answer was...everybody was putting pressure on you to go higher and the answer was no we are still going in with that number.

Mayor Baines stated right up until the very end...in fact the day that we were adopting the budget I asked the Assessor to come up and they stuck with the number that they had given me back in March.

Alderman Wihby stated what I don't understand, going back to Alderman Gatsas' questioning is if you knew in the second week of June that you had all of these abatements and you were only going to be flat, why wouldn't you have said to us you better decrease it by \$25 million.

Mr. Tellier replied it is a projected number. We won't get...for example utilities that are predicated from the Department of Revenue Administration; we don't get that until August. We are expecting that to increase but how much, we are not certain.

Alderman Lopez stated this was brought up at the last Accounts meeting and we were on top of it. The \$47 million was brought up at our last meeting. We asked the same questions that are being asked here. I believe that the Committee will stay on top of this to make sure that the numbers are there because it is very

important. I would just like to make a comment that we have three Assessors in this City and I hope that you are speaking for all three Assessors when you are giving us any information because that is a Board decision as to the abatements and the \$25 million that is in dispute here. Just so that there is no question in anybody's mind, especially mine, would you give me the formula of what the \$25 million calculates to in the tax rate?

Mr. Tellier replied for every \$10 million it is just under five cents. So \$25 million would be about 12.5 cents on the rate.

Alderman Wihby asked would you accept a motion to send a directive to the departments asking them to cut 1% of their budget because of this.

Mayor Baines answered I think we should wait until we get the accurate information and decide a course of strategy. We have put together a budget team to deal with the various issues that we are facing right now and will be coming forward with a series of recommendations. I think we need to wait for an update on the numbers to make sure that we are acting prudently at this time.

Alderman Shea asked, Steve, in previous years what has precedence shown us, that your particular assessment or projection seems to be pretty much on target or is it a little bit lower or higher.

Mr. Tellier replied we have been pretty much on target for as long as I have been there.

Alderman Shea asked so in essence if, in fact, your projections are followed the taxpayers in Manchester can expect about a 10 cent or 12.5 cent difference possibly. Is that what you are indicating?

Mr. Tellier answered the \$25 million that was added to this year's budget, if we don't meet that amount that is what it would represent.

Alderman Shea asked but if you meet half of that or three quarters that would bring it down to 5 cents.

Mr. Tellier answered that is correct.

Alderman Wihby stated this is a different year though, Steve, and normally you don't have all of these abatements so it is kind of hard to try to figure out where the abatements are going to stand because we had a revaluation. Normally you don't have that and you know exactly where the abatements are going to fall. No one is putting the blame on the number you set up. My concern, your Honor, is that if we wait any longer we are going to get a bigger deficit. We already know the budget is too high and I think we ought to send a directive now to the departments that we are going to expect another 1% in the bottom line at the end of the year.

Mayor Baines replied we are already dealing with an approximately \$1 million problem in this budget as we start off.

Alderman Wihby stated this is an \$8 million problem.

Mayor Baines replied but you are dealing with another fiscal year now. You can't go back and tax the appropriation.

Alderman Wihby stated we can send a directive your Honor. We have done it before in the past.

Mayor Baines responded my recommendation is that we wait until all the financial information is in and then act at that time.

Alderman Gatsas stated I believe this Board, in good faith, when we looked at the budget less than 40 days ago and for those that voted on it voted on it because they believed that the number they were looking at was true. Now for somebody to say 40 days ago knowing that there was a \$47 million deficit on April 1 and taking about construction being \$25 million and looking at a number that was flat from last year, I would think that somebody would have spoken up and said we are going to be 12.5 cents short on this budget. I think some of the people that voted for the budget might have looked at it a little differently. To sit here and say let's wait until more information comes in...we didn't even have the information or the tools to make the decision when we were in the budget process. Now for somebody to sit there and say that is not true...we saw a number and it is now obvious that it was April 1 and it was \$47 million. Now somebody should have made some statement saying it is 12.5 cents short of that gentlemen and we aren't going to see that \$5.18 billion but we are only going to see \$5.15 billion. I think to sit here and say we have to develop it with a team...I think this Board was put together to vote on a budget and if we didn't have the tools then I think that Alderman Wihby's...

Mayor Baines interjected well let's have Mr. Clougherty explain appropriations and how that works and dealing with fund balances what we would really be dealing with if we did something like that tonight.

Mr. Clougherty stated you have an appropriation that has been made and that will serve as a basis for setting the tax rate. If the Board were to take some action tonight or in subsequent weeks to somehow reduce the amount of dollars that are

going to the various departments the goal of that would be to try and increase in this current fiscal year end a bigger fund balance than was projected in the budget. Now in calculating the fund balance for next year I think it would behoove the Board to wait until at least the next meeting so that we can get a better handle on where we are from closing last year and where we are with fund balance. Over the next two weeks there are a series of meetings that I know the Mayor has scheduled with the various departments to try and come up with ways to reduce the current expenditure levels in the various departments to try and address some fund balance. If you were to do that as this Board knows, when we set the tax rate in November the revenue projections are the responsibility of the Finance Officer and the setting of the valuation forms for the State is the responsibility of the Assessor's and the fund balance item is the domain of the Board of Mayor and Aldermen. Those are the three things that we will have to address and quite frankly I think if we could wait until the next meeting, which is in three weeks, I think you might have some better information.

Alderman Wihby stated we are trying to take care of all of the things that we are talking about and that Kevin is talking about that we are trying to do so save money and that is because we had a 10% increase and we are trying to bring that down. This is on top of that increase and the longer you wait the harder it is going to be. If you tell the departments now that we are going to cut another 1% and send them a directive we can count that fund balance and we know that is going to come down. The problem is trying to consolidate because you know as well as I do, your Honor, that you can make all of the plans you want to consolidate but it is going to take six to nine months to do anything like that. The problem is in the spending and if we can cut an additional 1% from everybody and save \$1 million that not only helps the 12 cents that Steve is talking about but it also helps the budget process along too.

Mayor Baines replied we may be doing that but I think what we asked for is for two weeks to get a better handle on the financial situation and then we will come in with a series of recommendations.

Alderman Wihby asked so you won't accept a motion at this time.

Mayor Baines stated I can accept a motion.

Alderman Wihby moved that we direct the departments to cut an additional 1% from their budgets. Alderman Gatsas duly seconded the motion.

Alderman Wihby stated we are looking at over a 10% or 11% increase and when you add this on there...the numbers have never been any better in November and the taxpayers are going to go crazy when they get their bills in November and they have 30 days to pay an additional 10% or 11%. That is when it is going to come home, your Honor. I would ask for a roll call.

Alderman Lopez stated it is so easy to say to the department heads cut your budget by 1% or 2% but you know where they are going to cut it, in the services just like the Building Service Department reported to us and now we need \$11,000 to clean the Welcome Center that everybody worked so hard on. If we are going to give directives to department heads then I think they ought to be more in line with the management of what is happening in departments because we still need the tools in order to operate the departments. It is like if you ask them to cut 5% and you throw the garbage truck man off the garbage truck and it gets picked up every two or three weeks, that doesn't make sense. I wish the Board would wait until August after we get the other financial information to decide which direction we are going to go in other than to automatically say we are going to cut 1%.

Mayor Baines replied well you can move to table and that would settle it.

Alderman Lopez moved to table this item. Alderman DeVries duly seconded the motion.

Alderman Gatsas stated with all due respect, Alderman Lopez there was no problem when the ADA Coordinator was cut because that was the place the department head should cut. This Board didn't dictate that the ADA Coordinator should not be cut. We heard from people in here tonight. So for us to sit here and try to micromanage a department head's budget cuts because we are in a shortfall that we weren't told about in June or April or May that those numbers might not be reached I don't think is fair because there was no concern with the ADA Coordinator being eliminated.

Alderman Lopez replied you have a very good point there, Alderman, but let me tell you something about the operating budget of HR. It is very little compared to the Highway Department, the Police Department, etc. They have money in there in projects and in services. HR provides a service to people and she has people in that office to do the administration. She doesn't have a big operating budget so I will defend what she did.

Alderman Gatsas responded I would assume that you are not saying that the ADA Coordinator or the disabled should not have somebody looking out for their well being. I don't think you meant that for one second.

Alderman Lopez replied no I didn't mean that. You are putting words into my mouth. Let me tell you that since 1999 we have spent over \$3 million in ADA and we will continue and I think that the services the HR Director will provide this City will be equal to what was provided in the past.

Alderman Wihby stated I want to commend the Human Resources Director for doing that because she did tell us what she was going to do when she did the budget. The other concern is when we asked the other departments about the 1% or 2% cut or whatever we ended up with and they gave us in writing...if you look at what they have done to save the money and what they told us they were going to do, it is two different items. They haven't laid off the people. They haven't reduced their staff. They haven't done anything they told us they were going to do other than doing stuff like we can live without that or we can delay this or that. None of the cuts that they told us - and everybody told us we were going to devastate these departments - are happening because they have all somehow found money somewhere else. I commend her for doing that because she told us ahead of time what she was going to do and we approved that. As far as the other departments go, I haven't seen anything that has shown me that they have come through on anything and I have all of those letters that they sent us and we should probably look at those and every couple of months ask the departments where they stand. They are not making the cuts on those letters that they told us.

Alderman Shea asked if there is a 1% cut how much would be taken out of specific departments. When we cut 1%...

Mayor Baines interjected we have already cut 9% out of some departments already.

Alderman Shea stated I am just saying if we cut 1% I am not sure how much that is. How much is that for the Police Department, the Fire Department, the Highway Department, the Health Department, etc.?

Mr. Clougherty stated a 1% cut for a small department like the Economic Development Office is harder for them to deal with because they don't have any resources as opposed to a bigger department. Usually when we are asked to do the 1% cuts we have to do some type of an adjustment for those smaller agencies so that they are not crippled.

Alderman Shea asked could somebody tell me like if anyone is here...Frank what would 1% from the Highway be. I don't have any idea whether it is \$10 or \$100.

Mr. Thomas answered \$170,000.

Alderman Shea asked so 1% would be \$170,000. What would happen if we did take that?

Mr. Thomas answered first of all I have to disagree with Alderman Wihby. The cuts that we had identified in the Highway Department based on the budget cuts have been addressed. We identified that we would have to reduce resurfacing and we have reduced resurfacing in our operating budget. The other area that we said we would have to reduce is overtime. We have reduced overtime. A 1% cut again...my operating budget with benefits is approximately \$17 million so 1% of \$17 million is \$170,000.

Mayor Baines stated again, Alderman, I can't say this clearly enough. We are in a...I feel a very difficult situation with these cuts right now. I guess I would give the example and some people may call it making comments that they might have some problems with but we have emergency response issues in this City that we just saw some clear evidence of. When you go into 1% and cut that out of the Fire Department and you cut another 1% out of the Police Department, those are the biggest departments that you are going to deal with – Highway, Police and Fire.

We have asked for some patience here. I agree with a number of comments that were made by the Aldermen because I called Mr. Tellier this morning and said I had never heard that information. That is a concern and we are going to address that concern but we have asked for some time here. We have put in place procedures. Department heads have been meeting. We have had a series of meetings. There has been some follow-up. They have selected representatives to meet with us. We are meeting with the Finance Officer. We put in place a strategy to address the shortfalls, which were already very significant in this budget. Very, very significant. We have asked for some time to deal with the situation and asking for another couple of weeks is very reasonable so we can make some prudent decisions that are in the best interest of preserving vital services for this community. I, for one, will continue to stand up to maintain services at very difficult times and yes the taxpayers will understand it. They want Police and Fire and Highway and they want schools and we are in no position to start devastating those services. Give us the time to address the challenges that have been put on our table. We will address them. Give us another couple of weeks to come in with a plan that makes sense that involves some thoughtful decision-making. Across the board cuts are nonsense. That is not leadership. That is reactive and it doesn't solve the long-term problems of the City. We are prepared to address it. Give us the time.

Mayor Baines called for a vote on the motion to table. The motion carried with Aldermen Wihby and Gatsas duly recorded in opposition.

COMMITTEE ON LANDS AND BUILDINGS

AD. Recommending that the Mayor be authorized to execute a lease agreement

between the City and Members First Credit Union for the placement of an ATM machine in the City Hall West Wing subject to the review and approval of the City Solicitor.

Alderman Garrity stated I just want to be recorded as opposed. I was opposed in Committee and I would like to be recorded as such.

Alderman O'Neil moved to accept, receive and adopt the report. Alderman Shea duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Garrity and Forest being duly recorded in opposition.

Communication from Michael Gatsas advising of his resignation as an MTA Commissioner effective immediately.

On motion of Alderman Lopez, duly seconded by Alderman Wihby, it was voted to accept the resignation with regret.

Mayor Baines stated I just want to make a comment. When I received this communication from Commissioner Gatsas I called him and expressed my regret at his decision. He did an absolutely outstanding job during the time that he was down there and I want to publicly commend him for the service to our community at a very difficult time for that agency.

Communication from Jeannette Gagnon advising of her resignation as a member of the Housing and Redevelopment Authority effective July 19, 2002.

On motion of Alderman Smith, duly seconded by Alderman O'Neil, it was voted to accept the resignation with regret.

Nominations were then presented by Mayor Baines.

Housing and Redevelopment Authority:

William Cashin to replace Jeannette Gagnon, term to expire December 31, 2005.

Mayor Baines stated I want to note that this is a Mayor's appointment and does not require confirmation.

Board of Health:

Robert Christy to succeed himself, term to expire July 1, 2005

Fire Commission:

Donna Soucy to succeed August Fromuth, term to expire May 1, 2005

Parks, Recreation, and Cemetery Commission:

Butch Joseph to succeed Howard Keegan, term to expire July 7, 2005

Steve Johnson to succeed William Allen, term to expire July 7, 2005

Planning Board:

George Holt to succeed William Craig as an alternate, term to expire May 1, 2005.

Alderman Pinard moved to suspend the rules and confirm all of the nominations.

Alderman Wihby duly seconded the motion. Mayor Baines called for a vote.

There being none opposed, the motion carried.

Alderman Pinard stated I would like to bring in a nomination for MTA Commissioner – David Jespersen. I think we all know David. He has been here before. He would like to serve on the MTA. He has wonderful credentials and I think we should put him on that Commission because we have a couple of openings and we need good people on the MTA and David is one of them.

Deputy Clerk Johnson stated I would just like to clarify because we do have two openings at this point. One is to replace Raymond Manseau and his term expired May 2002 and the other is to replace Michael Gatsas whose term expires May 2006. I am not sure which one we are submitting this name for.

Mayor Baines asked what is the procedure. I know this is an Aldermanic appointment.

Deputy Clerk Johnson answered ordinarily the Aldermen will bring in their nominations and then we take a calling of the votes. It can be done at the same meeting.

Alderman Forest stated I also have a nomination – Mr. Joseph Deselle who lives on Front Street. He is a lifelong resident of the City of Manchester. Joe works for NAPA. He is a sales manager. He has been involved in the City. He ran for Alderman twice. I think he would fill the position very well.

Deputy Clerk Johnson stated I am trying to clarify whether...we have two nominations that are being made but we are not clarifying which position they are going to fill. There are two different expiration dates and we have to clarify which is going where.

Alderman Forest stated mine would be a nomination to replace Michael Gatsas.

Alderman Pinard stated mind would be to replace Raymond Manseau.

On motion of Alderman Wihby, duly seconded by Alderman O'Neil, it was voted to close the nominations.

On motion of Alderman Forest, duly seconded by Alderman Thibault, it was unanimously voted to confirm David Jespersen as a member of the MTA Commission, term to expire May 2007 and Joseph Deselle as a member of the MTA Commissioner, term to expire May 2006. Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Communication from Mayor Baines regarding the need to fund repairs to the Notre Dame Bridge, and advising of resolutions to be introduced to meet such need.

Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Four Hundred Thousand Dollars (\$2,400,000) for the 2003 CIP 811103, Senior Center Program.”

On motion of Alderman Thibault, duly seconded by Alderman Lopez, it was voted to read the Bond Resolution by title only and it was so done.

Deputy Clerk Johnson noted that an additional package was distributed to the Board, which contained resolutions and budget authorizations, which were to go with this item. My suggestion would be that we also read by title the other

resolutions that are being presented so they might also be referred to the Committee on Finance.

“Amending the FY2000 & 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million Dollars (\$1,000,000) for FY2003 CIP 713203 Notre Dame/Bridge Street Bridge Repair Project.”

“Authorizing the Finance Officer to effect a transfer of One Million Dollars (\$1,000,000) for the 2003 CIP 713203 Notre Dame/Bridge Street Bridge Repair Project.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Dollars (\$1,000,000) for FY2003 CIP 811103 Senior Center Project.”

Alderman Thibault stated in light of the problems that this has caused to the people of the West Side with that lane on that bridge being closed for the last three months, I hope that this Board would support us fixing this bridge so that the traffic can flow again normally across that bridge. If you would see some of the back-ups that occur right now in the morning, at noon and at night I mean it is just impossible to live with. I would hope that this Board would go along with this and support us and the Mayor in trying to get this done.

Alderman Thibault moved to refer the Bond Resolution to the Committee on Finance. Alderman Forest duly seconded the motion.

Alderman Wihby asked are we trying to get our money and we don't know at this point. Is that what it is?

Mayor Baines answered yes. We are still pursuing that.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson asked can we get another motion to refer the rest of the package to the Committee on Finance.

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to refer the other resolutions to the Committee on Finance.

On motion of Alderman Shea, duly seconded by Alderman Thibault it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that
Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Four Hundred Thousand Dollars (\$2,400,000) for the 2003 CIP 811103, Senior Center Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seven Hundred Sixty Five Thousand Dollars (\$765,000) for the 2003 CIP 510603, Livingston Park Pool & Bathhouse Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$1,300,000) for the 2003 CIP 510803, Derryfield Country Club Rehabilitation Projects.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Thirty Five Thousand Dollars (\$235,000) for the 2003 CIP 510903, Gill Stadium Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2003 CIP 511003, JFK Coliseum Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Hundred Thousand Dollars (\$500,000) for the 2003 CIP 511103, West Side Ice Arena Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thirty Five Thousand Dollars (\$335,000) for the 2003 CIP 511203, Park Capital Improvement Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Million Three Hundred Thirty Thousand Dollars (\$4,330,000) for the 2003 CIP 710203, CSO Projects.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seven Hundred Thousand Dollars (\$700,000) for the 2003 CIP 711703, Granite St. Road/Bridge Widening Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Hundred Fifty Five Thousand Dollars (\$555,000) for the 2003 CIP 711503, TIP Improvement Project (Candia Road Construction) Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Million Six Hundred Thousand Dollars (\$3,600,000) for the 2003 CIP 711703, Cemetery Brook Collector Rehabilitation Program.”

ought to pass and layover, and further that Resolutions:

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Six thousand Dollars (\$6,000.00) for the 2001 CIP 411001, Weed & Seed Coordinators.”

“Amending the FY2000 & 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million Dollars (\$1,000,000) for FY2003 CIP 713203 Notre Dame/Bridge Street Bridge Repair Project.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for the 2002 CIP 711302 LED Replacement Program.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Fifty Thousand Dollars (\$1,050,000) for the 2003 CIP 215703, Public Health Preparedness and Response.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Dollars (\$1,000,000) for FY2003 CIP 811103 Senior Center Project.”

“Authorizing the Finance Officer to effect a transfer of One Million Dollars (\$1,000,000) for the 2003 CIP 713203 Notre Dame/Bridge Street Bridge Repair Project.”

ought to pass and be enrolled.

Alderman Thibault moved to accept, receive and adopt the report. Alderman O'Neil duly seconded the motion.

Alderman Lopez stated on the \$1 million for the bridge is the State involved in this process to insure with the insurance people that we will get the money back from Verizon.

Mayor Baines replied that is an issue for us and I would like Kevin to talk briefly about it. We are in some conversations about that.

Mr. Clougherty stated there are potentially a number of areas where we might be able to recover some resources here. One might possibly be the State through some of its bridge assistance through grants and the other is through Verizon and their insurance and we are looking at that as means to reimburse the bond. In the meantime, we want to proceed with the work and get it done because it is increasing every day.

Mayor Baines replied we are going to be pursuing reimbursement on a variety of angles in terms of this situation.

Alderman Smith stated my concern, as you well know, that I brought up to the Solicitor is anybody who has a right of way or an easement on our property they have a license to take out and hold the City harmless. I would like to ask Kevin why we aren't proceeding with a suit against Verizon right now. It has been two months and if we take out a bond it is taxpayers money. We are taking another bond out and it is costing the City where Verizon...it was 1991 and it was signed by NE Telephone and it says the City is harmless. Why are we paying for this?

Mayor Baines stated I will let Mr. Arnold comment on this.

Deputy Solicitor Arnold replied we have had a number of meetings with the Highway Department, the Risk Manager and myself along with other people. We

are examining the avenue of pursuing Verizon under the indemnity agreement that was provided with the pole license that allowed them to install the conduits and the cabling underneath the bridge. I think the consensus of that meeting of people was that we need some money now. Obviously we will be in conversations with Verizon but I couldn't state that a check will be coming in the near future in order to perform those bridge repairs.

Alderman Smith asked do you mean to say that you haven't been in direct contact with the people at Verizon in regards to this claim.

Mayor Baines answered that is not true. We do have an adjuster who is working on this with Verizon and we will be having some subsequent discussions.

Deputy Solicitor Arnold replied as I was going to say, yes the Risk Management and the City's claims adjuster have been in contact with Verizon regarding this claim.

Alderman Smith asked when did this fire occur. I believe it was I April?

Deputy Solicitor Arnold answered I don't recall the exact date.

Alderman Smith stated well it has been seven months and it seems like the process is going very slowly and we are trying to get money for our budget and here we are going to float two bonds for various issues which are no fault of ours.

Mayor Baines replied first of all whatever recovery of money there might be, it is not going to be a quick process. It could drag out for months.

Alderman Smith stated I did not say that. I am saying that we have to recover the money and we don't have...they are just pursuing avenues and we should be telling them this is what we are going to do because it could be five or six years before we get our money.

Deputy Solicitor Arnold replied I think the people involved in this are pursuing that payment in the most expeditious manner. I don't believe that simply bringing a claim or filing a suit before talking with Verizon about possible settlement is well advised. We are doing that at this time.

Alderman Shea stated I think it would be helpful if we were given an update in a month or two concerning this process because obviously the less we know the more in the dark we know and if constituents do call they will want to know where it is.

Deputy Solicitor Arnold replied I have no problem with that.

Mayor Baines called for a vote on the motion to accept, receive and adopt the report of the Committee. There being none opposed, the motion carried.

A report of the Committee on Bills on Second reading was presented recommending that Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester by amending Article 10 - Off Street Parking and Loading Requirements, Section 10.03 by increasing the required stacking spaces for car wash and car care with automatic or drive-thru services from 5 to 10 stacking spaces.”

ought to pass.

On motion of Alderman Wihby, duly seconded by Alderman Smith, it was voted to accept, receive and adopt the report.

A second report of the Committee on Bills on Second Reading was presented recommending that Ordinance Amendments:

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned R-SM (Residential Suburban Multifamily District) to B-2 (General Business District) on the west side of Brown Avenue at the intersection of Hazelton Avenue.”

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned R-1B (Residential One Family District) to R-SM (Residential Suburban Multifamily District) on the east side of Brown Avenue at the intersection of Hazelton Avenue, extending to the Londonderry Town line.”

ought to pass.

Alderman O'Neil moved to accept, receive and adopt the report. Alderman DeVries duly seconded the motion.

Alderman Gatsas stated I am not opposed to the rezoning but I am very much opposed to rezoning a piece of property that has the ability to be taken by eminent domain by the State and there have been discussions about it. To increase value on a piece of property that everybody understands is being looked at for eminent domain, to change that value whether it is Federal funds or State funds that is going to procure that property, is wrong. Now if we want to change the zoning

with the understanding that the section of land that is taken by eminent domain would have the lower of the values then we should do that and we should not stop the developer from going forward. Just to arbitrarily change the value I don't think is right. It is not fair. It is not anything that we would want the State to do to this City. I don't think in turn we should turn around and do it to the State. I am in favor of the rezoning with the caveat that if the eminent domain takes place the land that is acquired by the State is acquired at the lower value. I think that is only fair and I think that is the way it should be done.

Deputy Solicitor Arnold replied in terms of eminent domain if the zoning is changed I don't believe...perhaps what I should say is the Board of Tax & Land Appeal or Superior Court will look at the fair market value of that land as it is zoned at the time of taking. I don't believe that a motion by this Board to have it have some lower value would be upheld by either the Board of Tax & Land Appeals or the court.

Mayor Baines responded so in other words you can't have it both ways.

Alderman Gatsas stated I believe we did a stipulation with Hackett Hill. My concern at Hackett Hill was that we were rezoning something from R-1B to multi-family and that would have increased the value of the land that it would have allowed them to put some 400 units there. The developers came forward and said that they would, in an agreement, that they would only build residential single-families at 40 units or 60 units – I forget which and this Board took that agreement. I have to believe that we can put something in there. If that is the only case and that is what the City Solicitor is telling us and this Board is totally aware then I make a motion that we table this until we get the Department of Transportation in there to tell us whether there is a taking or not.

Alderman Forest duly seconded the motion. Mayor Baines called for a vote on the motion to table. A roll call vote was requested. Aldermen Wihby, Gatsas, Guinta, Osborne, Pinard, Shea, Garrity, Thibault and Forest voted yea. Aldermen Sysyn, O'Neil, Lopez, DeVries, and Smith voted nay. The motion carried.

Alderman Gatsas asked can we get the Department of Transportation here for the next meeting.

Mayor Baines answered yes the Clerk will extend an invitation.

Alderman Wihby stated as Chairman of the Committee I had called the Commissioner of Transportation up three different times and she didn't return my call. She knew what I was calling for. Maybe it is best to have her here sitting in front of us to tell us what is going on.

Alderman Smith stated I was on that Committee and what happened was I met originally with Bob MacKenzie and I thought that everything was taken care of and there was no problem at all. It seems like when we need the State to come forward, we don't get anything. Now we had a meeting tonight and that is when we were told that the State was going to take it by eminent domain possibly. That is the first time I heard about it and Mr. MacKenzie sat at the meeting with us and told us everything was all right back in April or May and I think you were there then.

Mr. MacKenzie replied my only contacts with the State have been fairly consistent. I spoke with the Chief Engineer on the project and he has consistently stated that the larger parcel would be taken by the State and that there is a smaller parcel of two acres and it has yet to be determined what part of that parcel will be

taken pending final design of the project. So far, the project engineers have been very consistent with me.

Alderman Wihby responded but there was a map and on that map it showed they weren't taking that property so they weren't consistent as far as telling people they were and then having a map showing they weren't.

Mayor Baines replied well let's get the answers directly from them and then we can decide exactly what we want to do.

Alderman Smith stated we just received a letter on June 10, 2002 from Carol Murray saying that they wouldn't need the land. I don't know what is going on.

Mr. MacKenzie replied I am aware of that letter. I did review that today. Again, I briefly discussed that with Bob Barry and he indicated that the letter was in reference to the smaller parcel, the two-acre parcel, and not the larger one.

Mayor Baines stated again we will have an opportunity to bring them in and get the answers directly.

Alderman DeVries stated I just want to add to the conversation that this developer has gone on record at the Committee on Bills on Second Reading saying that they will not be submitting any site plan for the permitting process. What that does is it ties their hands and effectively keeps the costs of the potential taking to a minimum for the State. The case that Alderman Gatsas is referencing up on Hackett Hill where the developer was reducing the amount of development to a minimum of 45, that is still going through the permitting process increasing the amount for the actual taking. By tying their hands and guaranteeing to the State and now to the Board of Mayor and Aldermen that they will not develop this

property and will not go forward with the site plan approvals, they are limiting the exposure.

Mayor Baines stated I suggest we move on. This item has been tabled.

Alderman O'Neil stated they were taking the land with the old location of the bridge. The bridge has shifted southerly so my understanding based on the maps I saw...they were not going to be taken. Something is going on here and I don't know what it is. It is either double-talk from the State or double-talk from City staff and I think we need to get to the bottom of this.

Mayor Baines replied that is what we are in the process of doing.

Deputy Clerk Johnson stated the Committee on Bills on Second Reading does, in essence, have another report but in order to bring that report forward I actually have to bring forward a report of the Human Resources and Insurance Committee and we also had...because the Board only meets once a month the other Committees were asking for reports to be submitted so I would just like to submit them all at this time if that is all right.

A report of the Committee on Human Resources and Insurance respectfully advising that it has reviewed Ordinance Amendment:

“Amending Section 33.025 and 33.026, Youth Services
Director, of the Code of Ordinances of the City of
Manchester.”

and recommending that same be referred to the Committee on Bills on Second Reading for technical review.

Deputy Clerk Johnson stated the Committee had asked that the Committee on Bills on Second Reading actually take this up this evening, which it did. Their recommendation is that the rules be suspended and that it not be referred to the Committee and that it be adopted this evening. Rather than accepting this report we would look to have the report amended to recommend suspension of the rules and then we can walk you through that process.

Alderman Wihby moved to amend the report to suspend the rules and adopt the ordinance without referral to the Committee on Accounts, Enrollment & Revenue Administration and the Committee on Bills on Second Reading. Alderman Shea duly seconded the motion.

Alderman O'Neil asked this is on doing what.

Deputy Clerk Johnson answered it would be on suspending the rules to adopt the ordinance relating to the Youth Services Director. Right now we are amending the report to recommend that the rules be suspended.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Wihby moved to accept the report as amended. Alderman Lopez duly seconded the motion.

Alderman Gatsas asked didn't this Board have a vote on this a month ago.

Deputy Clerk Johnson answered it did. It voted to refer it back to the Committee and the Committee reviewed it and brought it back to the Board.

Alderman Gatsas asked without any change.

Deputy Clerk Johnson answered I believe so.

Alderman Lopez stated we took some of the comments that the Board of Mayor and Aldermen had made in reference to the certified alcohol drug counselor, which is a required special qualification in the job description. We also went back and looked at the minutes to make sure that we were correct that until such a time as this ordinance does pass that the existing department head will continue to be a grade 26 until such time as the Mayor either appoints her the new Director with confirmation from the Board or a new individual comes in, whatever the case may be. We looked at it very careful as did the HR Director. I don't know if she would like to comment.

Ms. Lamberton stated in addition to what Alderman Lopez said what we have done is said that under the minimum qualifications that the LADAQ certification would be preferred but not required.

Alderman O'Neil stated I respectfully disagree with the Committee that the position is justified at a Grade 23. I believe it should be a Grade 26. The bigger issue for me, however is the required special qualifications. We are going to ask this person...it says "certified alcohol and drug counselor preferred" so that means that the new Director may not have those qualifications or that certification yet we are going to ask them to supervise certified alcohol and drug counselors in the Office of Youth Services. We are going to ask them to supervise the Employee Assistance Program and I think that it hurts the credibility of both groups. I don't know if it opens up any liability issues. I will vote against this. I would like to make a motion that we reinstate the requirement that the Director be a certified alcohol and drug counselor.

Mayor Baines replied we have a motion on the floor already so we can't accept another motion right now. Ms. Lamberton, would you like to respond to Alderman O'Neil?

Ms. Lamberton responded certainly. The difference in the labor grades is not the contributing factor to reallocating the position from a Grade 26 to a Grade 23. The reallocation to a Grade 23 is based on the level of responsibility, the complexity of the job, the independent action, the educational requirements and the experience that is required in order to be eligible for consideration for the position. The LADAQ certification is a nice to have thing but I don't believe that it is required. I know of many instances where you would hire individuals with specific types of licenses but the person who is administering the program is not licensed in one or any of those areas. An easy example of that might be a hospital administrator is not a nurse or a doctor, etc. That person is trained to be an administrator and make sure that the programs run appropriately. LADAQ's are required to continue their education and get continuing education credits on an ongoing basis.

Alderman O'Neil asked am I correct to say, Ginny, that would be a policy decision of the Board of Mayor and Aldermen.

Ms. Lamberton answered that is correct.

Alderman O'Neil asked and it was our wishes that based on the history of both of those programs, both with the previous director and the acting director and any director going forward if it was the wishes of this Board we could put in that it is a requirement, correct.

Ms. Lamberton answered absolutely.

Alderman O'Neil asked would you accept a motion on that, your Honor.

Mayor Baines replied if it is a motion to amend the motion that is on the floor.

Alderman O'Neil moved to amend the report to make the LADAQ certification a requirement of the Youth Services Director position. Alderman Pinard duly seconded the motion.

Alderman Shea stated I am a little bit confused in terms of why a person would need to have that if, in fact, there would be someone in the department that would have that responsibility. I know that Tom Jordan does that right now. I am wondering why you would have to have someone...it would almost be that any department head would have to have multiple certifications to supervise different dimensions of their office. I don't really think that is germane to a particular department.

Alderman O'Neil responded in the case of the Public Works Director, they are required to supervise engineers and the Director and Deputy Director are required to be engineers. The Fire Chief is required to be a firefighter under State law. The same with the Police Chief. I feel that we have some good things going in Youth Services with the alcohol and drug abuse programs, both in Youth Services and with the Employee Assistance Program and in my opinion and I am only speaking for myself, I believe the Director should have the LADAQ certification. I think it is a credibility issue with the program.

Alderman Shea replied in a department where there are six employees, I think there is a little difference in comparison between a person...that is a person in the Fire Department that would have to learn certain primary responsibilities in order

to progress or in the case of the police officer they don't come in as the Chief, they usually come in as an officer. In the case of a smaller department, I would assume that that person would have the responsibility of supervising other people and like Ginny said we are talking about a department that has five or six other employees, not someone that has, in the case of the Highway Department maybe 150. I would oppose that.

Alderman O'Neil responded I guess in my opinion it is even more a case based on the size of the department although I don't believe the current director or the previous director would necessarily do evaluations regularly I think they may occasionally have to do evaluations. They are hands-on people. They are not administrators. They provide hands-on direct services to the young people of this City.

Alderman Guinta stated I would like to inquire as to what Alderman O'Neil is amending.

Alderman O'Neil replied Page 3 of the qualifications.

Alderman Guinta responded I understand that you are amending the qualification but is there a motion on the floor that Alderman O'Neil's motion speaks to.

Deputy Clerk Johnson replied yes.

Alderman Guinta asked what is the motion on the floor.

Deputy Clerk Johnson answered the original motion prior to Alderman O'Neil's was to accept the report with the amendment of the suspension of the rules. What Alderman O'Neil is doing is amending that motion so that the report will include

an ordinance, which includes the LADAQ certification as a requirement for the position.

Alderman Guinta asked so the upcoming vote is not on the grade change.

Deputy Clerk Johnson answered the vote right now would be as to whether or not the requirement for LADAQ is going to be included.

Alderman Guinta asked and then the grade change would be next.

Mayor Baines answered that is correct.

Alderman Gatsas stated I think that having a department head that is dealing with youth today and two of the problems that we see everywhere as being major problems with youth – drug and alcohol abuse, to think for one second that that director shouldn't be certified in handling drug and alcohol abuse and looking to change the criteria for a director who we are hoping can rescue one young person...I think to change those is wrong. I think to make it less because we are looking to reduce a pay grade is wrong. We are dealing with youth and again because they have six employees in that department doesn't mean that it should be a Grade 23 and not a Grade 26. I think we could probably look at other departments in this City that have five and six employees that may be Grade 26's.

Alderman Wihby asked are we saying that we are taking the amendment first and if the amendment passes are we going to then be asking for an additional pay grade.

Mayor Baines answered the main motion comes back on the floor as amended.

Alderman Wihby stated what I am hearing from Human Resources is that is not necessarily true. Even though they have that certification, that shouldn't affect the pay grade. Is that true?

Ms. Lamberton replied that is correct.

Alderman Wihby asked, Alderman O'Neil is your intention to bring this certification in and then raise the pay grade.

Alderman O'Neil answered I think the most important discussion we are going to have tonight with regards to this position is the certification. Whether it is a Grade 23, 24, 25 or 26, I think the requirement for the certification is the most important part of the Director's qualification in my opinion.

Alderman Wihby asked so your argument is not going to be let's raise it and then come back and raise the grade too.

Alderman O'Neil answered I am not arguing to adjust the grade. I may end up voting for the Grade 26 because I think that is an appropriate grade but it is not based on the requirement of the LADAQ.

Alderman Shea asked the present Acting Director would be excluded from the directorship if, in fact, this provision were to go through. Is that my understanding?

Mayor Baines answered no absolutely not.

Mayor Baines called for a vote on the amendment to the report to require certification as an alcohol and drug counselor for the Youth Services Director

position. Alderman Pinard duly seconded the motion. The motion carried with Aldermen Lopez and Shea duly recorded in opposition.

Mayor Baines asked what is the motion on the floor now.

Deputy Clerk Johnson answered the main motion on the floor would be to accept the report with the two amendments that have been made thus far this evening.

Alderman O'Neil asked what two amendments.

Deputy Clerk Johnson answered the first was to amend the report to suspend the rules and place the ordinance on its final reading without referral to the Committee on Accounts, Enrollment & Revenue Administration or the Committee on Bills on Second Reading.

Alderman Wihby asked so we are moving on the recommendation of the Human Resources Committee for a change from a Grade 26 to a Grade 23 with the amendment.

Mayor Baines answered yes.

Alderman Wihby moved to accept, receive and adopt the report as amended. Alderman Lopez duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Guinta stated I want discussion on this.

Deputy Clerk Johnson replied you are still going to bring the ordinance back on the floor. You are going to have one more chance to discuss it.

Alderman Guinta asked what are we moving right now.

Deputy Clerk Johnson answered based on acceptance of the report, the motion would be to suspend the rules and place the ordinance on its final reading by title only at this time.

On motion of Alderman Wihby, duly seconded by Alderman Shea, it was voted to suspend the rules and place the ordinance on its final reading by title only.

“Amending Section 33.025 and 33.026, Youth Services Director, of the Code of Ordinances of the City of Manchester.”

These ordinances having had its final reading by title only, Alderman Wihby moved that the ordinance pass and be ordained. Alderman Shea duly seconded the motion.

Alderman Gatsas asked can I have an explanation of how we chose a Grade 23 and not a Grade 24 or Grade 25.

Ms. Lamberton answered the City has a point factor system and each factor has different levels of points that are assigned to it based on the duties that are assigned to positions. When you are analyzing a position, you are analyzing the duties of that position and each one of the factors and then you analyze that position in relation to other positions and what their duties and level of responsibilities are.

Alderman Gatsas replied so what you are saying is that relating this to a Police Chief...what is the Police Chief's pay grade.

Ms. Lamberton responded Grade 29 I believe.

Alderman Gatsas asked what is the lowest department head's pay grade that we have in the City.

Ms. Lamberton answered I believe it is a 20.

Alderman Gatsas asked and that is who.

Ms. Lamberton answered I believe it is Elderly Services.

Alderman Guinta asked what is the difference between a 23 and a 26.

Ms. Lamberton asked in salary.

Alderman Guinta answered yes.

Ms. Lamberton stated the salary for a Grade 26 is a minimum of \$62,210 to a maximum of \$88,697 as long as the employee doesn't get an A-step or a longevity step or anything else. It would be more than that if the employee were to attain the A-step or have longevity. That is just the basic pay level. The labor grade 23 is a minimum of \$50,782 to a maximum of \$72,403.

Alderman Guinta asked so depending on where you are in the grade it could be around \$10,000. The maximum could be from \$50,000 to \$88,000 but realistically if you are in the middle you are going to be somewhere in the vicinity of a \$10,000 to \$12,000 difference. I guess my point is if the goal here is to try to save money

in our budget I don't think that identifying one position in the City and cutting it by \$10,000 to \$12,000 is the answer.

Mayor Baines replied that was not the motivation for this. It was the reclassification of the position. When positions get reviewed...you may say how did this position come about being reviewed but it is her job to do that. It had nothing to do with the budget.

Alderman Guinta stated I remember what Ms. Lamberton said about that issue.

Mayor Baines replied just to correct you it has nothing to do with the budget.

Alderman Guinta responded fine I can appreciate that but I also find it interesting that this is the only position in the entire City that has come before us at this point. That seems odd to me.

Mayor Baines asked Ms. Lamberton will you explain why this position has come forward for review.

Ms. Lamberton answered first of all this is not the first position that I have come forward to the Board of Mayor and Aldermen with. I have reviewed about a dozen positions. One position I recommended that the salary be increased by one grade. The others I recommended no change. That would not come to the Board because there was no change. When vacancies occur, I look at them. This position is technically vacant. The Mayor decided that he was going to go forward with recruiting for this position last fall after the HR Committee decided not to merge the Elderly Services, Health and Youth Services Departments. I feel that it is my responsibility to look at the position before we go and recruit and post to see

whether or not it is appropriately graded and that is what I did. Nobody asked me to do that. I simply did that because I feel it is part of my job.

Alderman Guinta asked so it is standard practice for you personally.

Ms. Lamberton answered yes.

Alderman Guinta asked with respect to the position, my feeling is that we are talking about Youth Services and I agree with Alderman O'Neil and I also agree with Alderman Gatsas when they say that we are talking about children and we are talking about identifying the best person to fulfill the responsibilities of the job and you are talking about helping children and providing Youth Services in this City with the best possible people available and I think \$10,000 to \$12,000 in salary can make a huge difference in the type of candidate that will be coming forward for this type of job. I think it is vital to pay this type of person as much money as we possibly can afford based on the requirements of the job. It doesn't appear to me that the responsibilities of the job have changed unless I am missing something. Have the responsibilities changed?

Ms. Lamberton responded as I was going over the duties, some of the duties have been deleted from the original specification that was developed in 1999. They are not duties that are being done. That would have an impact when one is evaluating and analyzing a position.

Alderman Guinta asked they are not duties that are being done by choice of the Director.

Mayor Baines answered the job has evolved is probably the better answer.

Ms. Lamberton stated I wasn't here when that study was done so I have no knowledge of how that study was accomplished. I do know how to evaluate jobs. That is part of my profession.

Mayor Baines stated I think people know how they are going to vote on this matter. It has been back and forth two or three times. I would like to get to a point where we can wrap this up.

Alderman Guinta stated I think it is a policy decision and I appreciate her input and that is...her job is to provide us with this information and our job is to make the determination. I appreciate the information that she has provided to us and I would like to state my position, which is in agreement with the Chairman of the Board who suggests that we should keep this at a Grade 26. I would add to that that it is vital for the City of Manchester to attract the highest quality candidates, especially in vital positions such as Youth Services. Your Honor, you mentioned earlier today about vital services, for example, police and fire and I think you would agree that we want to attract the highest quality candidates in those positions and you have stated during this budget process that we can't take away this and we can't take away that and we need to provide people with money. I think the same argument stands when it comes to Youth Services and this position.

Mayor Baines replied I would not be supporting a reclassification if it were going to deter us in that area and I don't believe it would.

Alderman Gatsas asked, Ms. Lamberton, did I understand that any time there is a vacant position that comes available you review it to see if it is at the proper grade.

Ms. Lamberton answered yes I do. I look at them.

Alderman Gatsas asked so what you are telling me is that with the two Deputy Chief positions that are open at the Police Department you have looked at those and you agree with those pay grades.

Ms. Lamberton answered we have not done any recruitment on them. What I do is before we recruit I look at them.

Alderman Gatsas asked are we recruiting...

Ms. Lamberton interjected no.

Alderman Gatsas asked are we recruiting for the Youth Services position.

Ms. Lamberton answered I was instructed to recruit for the Youth Services Director position, yes.

Alderman Gatsas asked so at some point you will be instructed to recruit for the Deputy Chief positions. Is that something you do or is that something the Chief does?

Ms. Lamberton answered those positions are frozen so I am not doing anything with them. If it is determined to recruit for those positions indeed I will look at them to determine whether or not they are still appropriately graded.

On motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted to move the question.

Mayor Baines stated the main motion is back on the floor and the Clerk will advise the Board.

Deputy Clerk Johnson stated the main motion on the floor is that the ordinance be ordained and that would include the change that was done as part of the report.

A roll call vote was requested. Aldermen Sysyn, Osborne, Lopez, Shea, DeVries, Garrity, Smith, Thibault, and Wihby voted yea. Alderman Guinta, Pinard, O'Neil, Forest and Gatsas voted nay. The motion carried.

Deputy Clerk Johnson stated we have additional reports of the Committee on Human Resources. There are actually three reports that I will present together.

A report of the Committee on Human Resources/Insurance recommending that it has reviewed Ordinance Amendments:

“Amending Section 33.081 (H) (4) Sick Leave of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.046 (F) Entry Pay of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.063 Temporary and Seasonal Employees of the Code of Ordinances of the City of Manchester.”

and recommends that same be referred to the Committee on Bills on Second Reading for technical review.

On motion of Alderman O'Neil, duly seconded by Alderman Lopez it was voted to accept, receive and adopt the reports.

A report of the Committee on Administration respectfully advising that it has reviewed Ordinance Amendment:

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing

regulations for noise activities conducted in outdoor concert venues throughout the City and inserting new penalties in Section 111.99 Penalty to enforce these regulations.”

and recommends that it be referred to the Committee on Accounts, Enrollment & Revenue Administration for fee review and to the Committee on Bills on Second Reading for technical review.

On motion of Alderman Gatsas, duly seconded by Alderman Wihby, it was voted to accept, receive and adopt the report.

Deputy Clerk Johnson stated there is another report of the Committee on Administration, which we don't have in writing for the Board so I am going to try and verbally present that at the Chair's request.

A report of the Committee on Administration recommending that the City Solicitor and the Deputy City Clerk of Licensing and Enforcement get together with the MCTV Task Force and MCTV employees and report back to the Committee with recommendations on how to proceed.

Mayor Baines replied the only thing I would say is that I asked that Committee for a specific purpose. They are all very busy individuals and I can't commit them to engaging in any further efforts in that regard. I think they did their job.

Alderman Wihby responded at the last meeting they told us they would meet with us.

Mayor Baines replied I apologize. I didn't know that.

Alderman O'Neil stated there was some new information that was brought forward to the Committee that might be of interest to the Task Force that you put together and our understanding was that they were willing to sit down.

Alderman Gatsas stated there seems to be some differences of opinion on whether it should be one segment or three and I don't know if the Task Force looked at what would happen to employees if they were separated. I certainly believe that the Task Force did a great job. I think that Dr. Sullivan agreed that they did a great job but I think that if we can get an answer by the next meeting we should be able to move forward with this.

Alderman Gatsas moved to accept, receive and adopt the report. Alderman O'Neil duly seconded the motion.

Alderman Shea stated I think in watching the School Board meeting, the present director of MCTV made a presentation and I guess this is for the members of the Board who may not have watched that but there was a discussion about making access TV, which goes on Channel 16 non-profit and putting both governmental and educational programming under the School Department or parents or whatever. There is kind of a little difference there and I think that is really what was discussed. I wasn't at the Administration meeting but I am assuming that is what the question is.

Alderman Lopez asked will we get comments from the School Department in reference to their preference because MCTV does come under the School Department.

Mayor Baines answered we could ask the Committee on Coordination. I will talk to Committeewoman Stewart about that.

Alderman O'Neil stated if I recall, and the Chairman will correct me if I am wrong but the Committee on Administration asked that the next time we meet someone

representing the administration as well as some members of the School Board be present because they need to be partners in this.

Mayor Baines replied I would suggest that if you are going to schedule a meeting you should probably try to do a joint meeting with the Committee on Coordination of the School Board.

Alderman O'Neil stated I think we left it up to them as to what the appropriate Committee would be.

Mayor Baines replied we could get together and talk to Leslee Stewart about that.

Alderman Shea stated I think that Grace Sullivan did speak to the new Superintendent, Dr. Ludwell, who indicated a preference to keep it under the School Department.

Mayor Baines called for a vote on the motion to accept the report of the Committee. There being none opposed, the motion carried.

Report of the Committee on Lands and Buildings advising that it has referred proposals regarding the City's usage of the Carol M. Rines Center to the Board of Mayor and Aldermen without decision.

Alderman Lopez moved that the plan that was presented to the Board of Mayor and Aldermen to move Health, Welfare, Youth Services and Archives into the Rines Center be approved. Alderman Shea duly seconded the motion.

Mayor Baines called for a vote on the motion. The motion carried with Aldermen Gatsas and Guinta being duly recorded in opposition.

Mayor Baines stated I thank you for that vote. I believe that is a step forward in the right direction and I appreciate the efforts that the Board put into deliberating on that issue.

Communication from Alderman Osborne suggesting a tax deeded property known as Map 645, Lot 10 located on (Old) Wellington Road be considered as a possible site for a stand alone senior center facility.

Alderman Wihby stated this hasn't come in front of Lands & Buildings yet. It is a new site and I was surprised to even see it because when we specifically told staff to go out and tell us how much square footage and everything there was out there, this wasn't one of the proposals so somebody missed it. I think it should go back to Lands & Buildings, your Honor, and they should look at this to see if it is a good place for a senior center or not.

Alderman Lopez stated here we go back to the Committee again. You know the Planning Department has ping ponged this thing back and forth and made a presentation to us in reference to the senior center for the West Side. Bob MacKenzie has presented a plan to do the senior center on the West Side. I think it is time that we stop the game of ping ponging things back and forth. Let's not send anything to Committee. Let's make a decision here tonight for the seniors. I think that we ought to move on the West Side senior center as presented to this Board.

Alderman Lopez moved to approve the plan for the senior center on the West Side.

Alderman Gatsas asked is that on Item 16.

Mayor Baines answered we can take a motion on that.

Alderman Gatsas stated I thought Alderman Wihby just made a motion on Item 16.

Mayor Baines replied no he didn't make a motion.

Alderman Smith duly seconded the motion.

Alderman Thibault stated we have been playing with this thing for three or three and a half years, your Honor and I have to applaud Alderman Osborne for bringing this piece of property to light. I just wonder, as Alderman Lopez just reiterated, how come the people that we have in this City on our staff never found this piece of property before now? I can't understand that. We had 13 or 14 properties...

Alderman Lopez interjected 52.

Alderman Thibault stated and we missed this one and that would have been 53. I would support what Alderman Lopez just said and I would strongly urge this Board to go on and approve what we have already worked on for so many years that the West side is the place...this the place that the elderly want, your Honor. Isn't it time that we start looking at what they are asking and looking for? I applaud Alderman Osborne for bringing this forward but I think at this point it is too late. I hope that this Board would recognize what we have worked for in the past three and half to four years to bring to fruition. Now we are saying that it has to go back to Committee again? I can't believe that.

Alderman Smith stated I have been very concerned about the elderly center and everybody knows that I pushed for the West side center and I think the main

reason why is when I was first elected I met with some of you in private with the Mayor and we discussed the West side center. There was nothing else discussed. Then later on I got a nice letter from Mr. Gatsas in regards to the Rines Center and we kept on following on. Then Mr. Lopez wrote a letter asking what the story was on the West Side center and they said well Mr. MacKenzie and them are going to get their act together and sooner or later we will get some information. I think personally the citizens want a senior center. You heard them tonight. They were from the East Side and the West Side. Let's do it tonight and put it to bed. I say we vote on right now.

Alderman Shea stated there is no one who has supported the senior center more than myself. I have tried to analyze all of the aspects of it. Let me go through some things. As far as the goals of the NH State Planning on Aging, goal number four is maintain the health and functional independence of seniors by offering programs that educate, assist and enable by promoting physical, mental and emotional health. Let's just compare the sites for a senior center that will service the needs of our senior population for the next 20 or 30 years, not just for the next few years. The City just completed building a civic center, not for a few years but for 30 years and beyond. Let's just examine the property that Mr. Osborne and I went through today and let's examine the West Side. Environmentally, the West Side is congested. There are trucks and cars because of main streets. Students and faculty at the nearby high school, church and library patrons. As far as Wellington Road, it is clear you have fresh air and you have limited traffic. As far as the land sites are concerned, the West Side has limited space. You have private property on the site and you have abutting properties. As far as Wellington Road, you have nine acres of City-owned land with limited abutters. As far as expansion is concerned, the West Side is limited whereas Wellington Road is not limited. Financially, the West Side you have to purchase property whereas Wellington Road the City owns it. Activities. As far as indoor activities at the West Side, you

will have plenty of indoor but as far as outdoor it will be limited. At Wellington Road, you have both indoor and outdoor availability. We talked about shuffleboard and nature walks. You can't do that on the West Side. It would be limited. As far as accessibility, you have bus transportation to both. As far as parking on the West Side you would have restrictions because of other facilities. As far as Wellington Road, there are no restrictions. You could make a parking lot for 200 or 300 cars. As far as future consideration, if properly planned, provisions might be made for low income housing for senior citizens within that area. As far as eligibility for community development block grants, if this were a public community center you could possibly have community development block grants. I am saying that I want the seniors to have a facility but what is the urgency? We just bonded \$2.4 million. We don't have to say tonight that the West Side is the most favorable place. Let's examine whether or not this particular diamond in the rough is something that will serve the people for 20 or 30 years. That is my concern. That is where I am coming from.

Alderman Osborne stated I would like to read this letter that I wrote to the Board of Mayor and Aldermen.

Dear Colleagues,

Recently I have been reviewing the records relating to the consideration of a senior center. It appears that a property, which the City owns and is located close to Derryfield Park, was overlooked therefore not considered a site.

In 1994 the Board of Mayor and Aldermen set aside a tax deed property on (Old) Wellington Road to be held in public status for future use by the City. The property, known as Map 645, Lot 10 was considered large enough at the time for future consideration of a school or park. The City has since built a new middle school facility at a different location. The property is 9 plus acres in size, and while some of the property could not be developed, some of the property could be.

This property is one that I am familiar with. It belonged to my grandmother Emma R. Cloutier. As a grandson I grew up on this property. It has been in the family since the days of Lincoln when the City took it for taxes in 1966.

I believe this would be a perfect location for a stand-alone facility for the seniors. It would provide parking, easy access, and would have park and outdoor areas for picnics or other outdoor activities. I think the City could build a facility at this location, proceed with the Rines Center for Health, Welfare, OYS and Archives and allow the Brown School to be developed into housing for the elderly for no more than the current plans under discussion. This would still leave room for the expansion of the West Branch Library at its current location.

s/Ed Osborne

Mayor Baines asked Barbara Vigneault and Claire to come forward to discuss this issue.

Mayor Baines stated Barbara and I and Alderman Osborne did go through the woods up there on Wellington Road so we are experienced and I think Claire may have gone to check out the spot as well.

Ms. Vigneault stated as you all know it has really been a very difficult decision as to where the senior center should go and one of the reasons we have had two for so long is because the East and West side need to be served and they need to be served equally. That is one of the reasons why, when the Senior Center Study Committee considered sites in the beginning, we wanted it in approximation to downtown because that was within a two-mile radius of where the elderly population lives. We are trying to make it not only accessible but convenient. We did go to see the land that Alderman Osborne has brought up and it is a beautiful piece of property and it is too bad that it wasn't plunked in the middle of

downtown. We, as staff, listen to the concerns of seniors and we are listening to what they are saying and as advocates for them we need to hear from them about what their desires are. One of the major factors that they talk about is parking and transportation. Many of them walk and many of them take buses. They want to be in a successful site that they have and they want to maintain that. The majority of folks that we are hearing from are saying that. It is very difficult because we feel like it is almost Solomon and where is the knife and where is the baby to make decisions and that is a very difficult thing to do. I think that is the position that the Board has been in, you know the lack of an appropriate site for size and it is the lack of space for downtown and accommodations but we need to look at the identify of a senior center. The National Committee on Aging recommends that the success of a senior center is visibility, accessibility and the convenience. Those are some of the major factors you need to look at.

Ms. Dachowski stated I agree with everything that Barbara said and what I really agree on is...I have gone up to see the site and yes it is a beautiful site, however, it is not near restaurants or anything neighborly or neighborhood. You have to understand that many of these seniors come from the high rises. Yes, you may have bus transportation up there but in order to get there you are going to have to do at least two transfers. Whether you live on the West Side or East Side, you are going to have to do all of these transfers. They don't have to do that now. As Barbara said, the land is beautiful and it would be great if it were downtown. The thing the seniors are asking for and yes we are looking 20 years into the future...I still think that there is not enough up there. I think we also have to think of the people being alone and of the people being accessible to the center. I think that you are going to be eliminating an awful lot of people. Today for instance the seniors were discussing...and this is something that has been being discussed on a daily basis for three years at the center, that during the winter time to go up Bridge Street and then down once the snow started they would be afraid to go out. Is this

where we want to put a center? I agree that there are other accesses besides Bridge Street but you are still doing the same thing. You are talking about people who have limited sight and limited hearing. Many of them do not drive, cannot drive and have lost their licenses. You are looking at people who need help to not be alone. I just have one little incident to talk about and that is on June 15 I took a busload of seniors to Old Orchard Beach. If any of you remember what that day was like, it was pouring cats and dogs and you know what their comments were? This is still better than staying home and looking at four walls. If you take the center and not make it accessible to them so they can get there, then you are not doing anybody a service and I think that is the most important part.

Alderman Shea stated one of the problems I believe that you have over at the present site on the West Side is parking. Is that correct?

Ms. Vigneault replied yes.

Alderman Shea stated well it is obvious why you have that problem. Many of the seniors must take their cars so that really isn't a problem in a sense in terms of people getting there. As I mentioned to you and to others several times, we could build a center on the West side but that will be antiquated within 3-5 years and many of the people who are going to that center now will not be going to it. We should build a center, as someone brought up, for baby boomers, for people who are going to be utilizing the center for the next 20 years. My concern is that once we build that center we are going to satisfy the needs of the people who came here tonight but what about the people that weren't here tonight that will be using or will at least be in a potential position to use that? We are going to be shortsighted in my judgement. We have this wonderful area up there and even though there are people now, today, living in the high rises that do go, they will make provisions...there are people on the East side of Manchester that go to the West

side and have to get a transfer. They can't go directly there. Basically, are we accommodating a certain element of the City right now at the expense of the future people who will be utilizing the facility? I have a design here and we visited the one in Danvers and Chelmsford and they weren't in the downtown area. Neither one. They were in a residential area similar to this particular structure that would be there. My point is we should build a senior center. I am all for that, no question but let's do it right because if we don't do it right we will be looking back and asking why didn't we do it this way rather than that way. Why didn't we put it in the necessary provisions in 2003, the year that this will actually be built? Why don't we do an analysis and say we have the land, we have the situation there? I was in favor of the West Side. You know that and I talked to Claire today about that and she mentioned restaurants. Well there aren't that many restaurants around the West Side anyway. You have a few but the point is that they will go to the Backroom or other places.

Ms. Dachowski responded in answer to that I still think...okay I know at the West Side center we are getting new people on a daily basis and they are becoming younger and younger. As a matter of fact they are getting closer to my age, which is scary. Yes, many of them drive and I don't care where you go, you are never going to have enough parking. I saw the senior center in Portsmouth. They have 300 parking spaces and they complain they don't have enough. So what is the answer? I think you have a successful area. You have people coming in on a daily basis. I don't think that it is going to be antiquated in 3-5 years. I think that there is a lot of potential there. Mr. MacKenzie gave us beautiful plans on how it could be done with 15,000 square feet that would give us room to grow.

Alderman Gatsas stated I am going to make a motion to move the question but before I do that, the things that I have heard here tonight are the things that I have said for several months about the West side center like not having ample parking

and that was disregarded. All of the things that I said about transportation and the congestion...I had to look over there to see if Alderman Shea was Ted Gatsas for a second.

Alderman Shea replied you have to remember that I was for Derryfield Park and not for the West Side. A half a loaf is better than no loaf.

Alderman Gatsas made a motion to move the question. Alderman Wihby duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Osborne being duly recorded in opposition.

Deputy Clerk Johnson stated the motion on the floor that was made by Alderman Lopez and seconded by Alderman Smith is that the senior center be located at the West Side site as proposed by the Planning Department.

Mayor Baines requested a roll call vote. Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, Shea voted nay. Aldermen O'Neil, Lopez, DeVries, Garrity, Smith, Thibault and Forest voted yea. Mayor Baines broke the tie by voting yea. The motion carried.

Mayor Baines stated the motion carries but could somebody explain the process going forward. Obviously we need 10 votes at the end.

Mr. Clougherty replied you laid over the bond issue funding this evening. At the next meeting that will come back for a vote and that requires 10 votes.

Alderman Gatsas moved for reconsideration on the Rines Center and asked that it be looked at for the Health Office and the seniors.

Alderman Wihby stated you voted in the minority so you can't do that. It would have to be at the next meeting.

Alderman Guinta duly seconded the motion.

Alderman Smith stated I was at one of the Committee meetings and I believe that Fred Rusczek from the Health Department said unequivocally that the senior center and the Health Department couldn't survive in the Rines Center. Am I correct?

Deputy Clerk Johnson stated I just realized that Alderman Gatsas had voted in opposition so he would be giving notice for reconsideration at the next meeting under the rules.

Mayor Baines asked could the Board vote tonight that it is not interested in reconsideration if it so desired.

Deputy Clerk Johnson answered somebody in the majority could make the motion or the Chair could make a ruling and it is subject to consideration by the Board.

Mayor Baines asked somebody in the majority could do what.

Deputy Clerk Johnson answered could make the same motion that Alderman Gatsas made so that it can be dispensed with.

Alderman Lopez asked if I made that motion for reconsideration then it fails and is done with and it won't be prolonged for another month. Is that correct?

Alderman Wihby replied it can come up at any meeting under new business.

Mayor Baines stated but we would certain get the will of the Board tonight as to whether they want it reconsidered.

Alderman Lopez moved for reconsideration. Alderman Shea duly seconded the motion.

Deputy Clerk Johnson stated I just want to reiterate what would then be back on the floor. A motion for reconsideration will put the original motion relating to the report of Lands & Buildings on the Rines Center back on the floor as it existed. At that point, it could be amended to what Alderman Gatsas had stated.

Mayor Baines replied but if they vote that they don't want to then the decision stays as it was.

Deputy Clerk Johnson responded that is correct.

Alderman Gatsas stated I think that it has been pretty clear here in the discussion we have heard this evening that we hired and paid \$35,000 to somebody to analyze the sites throughout the City and that person came up when we first looked and correct me if I am wrong but when we first had the Sears building for consideration and Alan Clarke from REI who we hired said that was the highest and best use and the best location for the senior center...it had, I believe, 33% of the senior population of the City within its proximity. We heard tonight from somebody who has been an absolute advocate of the seniors and the West side center who up until this evening when I heard him speak he spoke eloquently about why the West side...the same reasons that I had talked about for the past three months about the West side center like not having ample parking, being in a congested area, and having a high school next door that certainly is not a position

that you would want to put seniors in. Now I understand what the seniors are talking about and that you have new people coming in on an ongoing basis. I have heard Aldermen who have gone over and they have not gone into the senior center but they understand that on Wednesdays there is 100 people there and I understand that too because that is the big bingo day. Currently, you have 3,500 square feet that you are dealing with for the senior center and that is certainly not adequate for our seniors and I can remember that we sat at Tarrytown Road probably three and a half years ago and we talked about a senior center. I remember that Alderman Shea was the Chairman of that Committee and I said it should be done sooner.

Alderman Shea replied and I asked if you were going to pay for it.

Alderman Gatsas stated I think that as much of an advocate as you have been and being a member of the senior class, Alderman Lopez has been the same and I think that I certainly have tried to do my part to get the seniors into a location that would be adequate and also would be beneficial to the City. I think the Rines Center at this time, as I have said in past meetings...the vote that we take should have the bearing of the next budget in mind. I think if the seniors go in with the Health Department and the Health Department certainly has 18,000 square feet and the seniors get 10,000 or 12,000 and if there are 400 seniors that go there and the ample parking of 90 spaces isn't adequate then yes we should build another senior center but we should find out first...the convenience next to the high rises, because that is the proximity of where the seniors are going now to the West side may not be accurate. Maybe we should do a poll as I did in Ward 2 and I discussed this with Alderman Lopez...let the seniors of the entire City have a voice. Let them speak. Not just people from the high rises but let the seniors who are out there today participate. I don't think that is wrong.

Mayor Baines asked so you are for the reconsideration. Let me make a couple of comments without speaking to the motion. The idea of a high school being next to a senior center is a very, very positive thing. I spent a career bridging the gap between teenagers and seniors and there is nothing more powerful than the interaction of teenagers and seniors. That is not a negative and the more we can interact the seniors with teenagers, the better off we are as a society and I think Claire and Barbara would attest to the programs that we did at West High School and continue to do at West High School today. We have promoted that interaction. Having seniors next to schools is a very positive and productive thing. It is a healthy situation for seniors.

Alderman Smith stated I would like to answer a few questions from my fellow colleague. We had the Health Department that was opposed to having the seniors go into the Rines Center. We had a recommendation from the Finance Department and Planning Board and the Elderly Commission themselves saying they wanted the West Side. Now you fellows and I am saying you fellows...it is a political football. We had one site involved at the time and in talking about the feasibility...you know how I was on baseball and I got knocked down there, here is your feasibility study for the senior center. That was done in the year 2000 and we are still looking at sites. What is going to happen is they will end up with no elderly center.

Alderman O'Neil stated I just want to back-up something that Alderman Smith said earlier. At the last CIP meeting the Director of Health was asked this very question and I honestly can't say before September 11th whether there was enough space to put the two of them together but we will now and we will be accepting if we haven't already approximately \$1 million in funding for bio-terrorism that requires additional staff paid for by the Federal government, additional equipment and for those two items there is additional space required. He did say at the CIP

meeting that there is not enough room to put the Health Department and the elderly together at the Rines Center.

Alderman Lopez stated I made a motion for reconsideration out of courtesy to Alderman Gatsas because he couldn't do it. I am asking that we move the question and vote no.

Alderman Thibault duly seconded the motion to move the question.

Alderman Wihby requested a roll call vote. Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, and Pinard voted nay. Aldermen O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest voted yea. The motion carried.

Mayor Baines stated the main motion is now on the floor.

Alderman Wihby requested a roll call vote. Aldermen Wihby, Sysyn, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest voted nay. Aldermen Gatsas and Guinta voted yea. The motion for reconsideration failed.

Alderman Shea stated I would like to clarify my position in terms of the West Side. If that is the only site that is available, I will vote definitely for the West Side. I was making a plea for this other. I would like to support my colleagues on the Board. If, in fact, there is no way that the Wellington Road area can be part of the scenario then certainly I would vote for the West Side. I was just trying to make a plea for fresh air and the environment. I would change my vote and vote in favor of the West Side. I want that made clear. Even though it may be half a loaf instead of a full loaf in my judgement I still would rather have that half glass or half loaf.

Alderman Wihby stated as you just alluded to you are going to need 10 votes for the bonding. Would it be appropriate at this time to send Alderman Osborne's proposal to the Lands and Buildings Committee so they can be working on it because we know that it is going to take some time before we get a 10th vote and also on Item 19 that is coming up, that is the Armory building that is looking to move over to Londonderry and that armory is going to be vacant and available and maybe that is something that we ought to be looking at too. I think if we can send Item 19 along with Alderman Osborne's suggestion to Lands and Buildings there is no harm and we would be working on it and if we don't get 10 votes there are some other options.

Mayor Baines responded the only thing I would say on Item 19 is that issue...that is probably a prime redevelopment project to expand this very lethargic tax base that we have right now. I would hope that if that property does become available we would work to redevelop that property and create some tax base here.

Alderman O'Neil stated I would like to thank Alderman Osborne for at least thinking out of the box a little bit on this. Why this piece of land got missed way back...it is not going to do any good to beat on it. I was just talking to Tom Bowen earlier and I remember there was some discussion about a high school in that same area and Tom said it is not the same piece of land that we are talking about. The Water Works Department actually owns some land up on Karatzas Avenue, which I guess is very tough to develop. It is disappointing that this wasn't part of the original study. Maybe it would have been the preferred site.

Mayor Baines stated Mr. MacKenzie I don't want to put you on the site but how was this missed.

Mr. MacKenzie answered generally no sites were selected east of I-93 because it was considered relatively remote.

Alderman O'Neil stated this property is adjacent to I-93 I believe.

Alderman Gatsas asked is that the question you meant, Alderman O'Neil or why has the City missed the ownership of that for some 30 years.

Mayor Baines replied I don't think they missed the ownership.

Alderman Gatsas stated I don't think we have ever known...on the list that we have of City owned property it has never appeared.

Mayor Baines asked has that ever appeared on the tax deeded list.

Deputy Clerk Johnson answered I know that the Board took an action in 1994 to set it aside. I would have to look to see if it was showing up on the most recent tax deeded list that we have. It should have been there but I am not sure what it is listed under.

Alderman Gatsas stated I guess I go back to what I, as an Alderman, for some two years have been looking for. Why are we holding on to this land in a boom when we could be selling this? I don't think we have liquidated any real estate other than things that you can't build on because they are unbuildable lots and we sell it to the abutter.

Mayor Baines replied you and I have had some discussions about this. I really believe that the Lands and Buildings Committee should look very aggressively at

any properties that we could get off of the tax-deeded list and sell to generate some tax revenue for the City. I agree with you on that.

Alderman Pinard asked can we have Bob MacKenzie look at the site on Wellington Road and come up with a recommendation on whether it would be feasible to have the senior center there. I think that is a good site. It has nine acres and it will save the taxpayers money. You said at the beginning that we are in trouble financially and I think that we should be looking to save the taxpayers money. I think this is one. I think it is about time that we wake up and start looking at this stuff.

Mayor Baines replied we are doing that but I think some of the issues that have surfaced from the people who are responsible for that population should be considered especially the remote location of this site. It is a beautiful location but whether it should be a senior center...I don't think it should be but that is a consensus that this Board is going to have to come to.

Alderman Thibault stated as Chairman of Lands and Buildings let me just say that we have asked for a list of all land in the City that is available for sale. We are waiting for the report.

Alderman Gatsas stated just to help Alderman Thibault, I was on Lands and Buildings last year and Alderman Smith was the Chairman and we asked for it then also. We are all still waiting.

Mayor Baines replied we have it.

Deputy Clerk Johnson stated the Committee on Lands and Buildings has been asking for that list for some time and at the end of the year last year they requested

the Clerk's Office to work with Assessors or whoever and get a list. We did, in fact, work with the Board of Assessors recently and we did come up with a list. We are trying to clean up that list because it does have properties that are not clear deeds and those sorts of things so we are working on that and intend to get back to Lands and Buildings with more information on each of the pieces. We have composed a lot of information thus far. It is a substantial report.

Mayor Baines stated I have no problem with the suggestion that the Planning Department look at it. The only thing I do ask the Board is I do respect that this is an issue that has been kicked around long enough. I think we should be able to get a report back quickly on the feasibility of that area and make some decisions here. I think the time has come...we had set the money aside and we are committed to doing it. We spent an awful lot of time discussing it. Alderman Cashin took a leadership role in working with the Elderly Services Department and the elderly population last year to do some services and this is the area that they focused on. I would ask the Board to move expeditiously on this so that somebody is not discussing it another two or three years from now.

Alderman O'Neil asked, Barbara, do you feel comfortable tonight that your recommendation would be Main Street or is it worth you taking another look at Wellington Road.

Ms. Vigneault answered well one thing that we didn't mention is that St. Joseph's Community Services is hosted at the West Side site and they deliver between 100 to 150 meals a day to homebound individuals on the West side. If we move the center elsewhere on the outskirts, they may not move with us. That could create a problem for that agency should they not choose to move with us. We do have a contract with them. So, that is another part of that.

Alderman Gatsas asked if you move to the East Side of the river that would be a problem.

Alderman Guinta asked was that ever an issue before in talking about other sites.

Mayor Baines replied let her explain. Why would that be an issue?

Ms. Vigneault responded because they have volunteer drivers who come in and package up the meals and deliver them. That means that their volunteer drivers would have to go to another part of town to deliver the meals to the opposite end of town and they pay reimbursements for mileage, etc.

Alderman Guinta asked so have you been a proponent of the West Side ever since the inception of the discussion of a senior center based on that one issue.

Ms. Vigneault answered no. That is not one issue, that is another aspect...that is just another...

Alderman Guinta interjected my question is was that an issue that had been talked about when previous Boards discussed other sites or is this a new issue that has arisen.

Ms. Vigneault replied it is a new issue in that in making the plans for the feasibility study and making design plans that was part of the scenario. That program is an important part of the coordination aspect for the community of seniors.

Alderman Guinta asked so it is not a new issue or it is.

Ms. Vigneault answered it is not a new issue.

Alderman Guinta asked so have you been a proponent of the West Side for the last several years.

Ms. Vigneault answered if you are within a two-mile radius of the river you are closer to the West Side. If you put it real East, then you are further away. I am just saying that that program promised us that they will continue to house within the senior center so it may present a problem for them because they would either have to rent elsewhere or make some other arrangements. It is going to put a cost factor on another senior program.

Alderman Guinta asked so locating a senior center on Elm Street or in downtown Manchester wouldn't necessarily prohibit that contract from continuing but something far out may.

Ms. Vigneault answered yes.

Alderman Osborne asked why do we keep talking about the West Side. There are people on the East Side aren't there?

Ms. Vigneault answered right.

Alderman Osborne asked how many seniors...do you have figures of how many seniors are on the East Side and how many are on the West Side.

Ms. Vigneault answered there are about 25,000 seniors in Manchester and the majority do live on the East Side of town.

Alderman Osborne asked so why do we keep talking about the West Side. People on the East Side have to get over to the West Side.

Ms. Vigneault answered because a majority of the seniors who participate in activities at the senior centers go to the West Side.

Alderman Osborne asked how many are from the East Side that go to the West Side.

Ms. Vigneault answered half.

Alderman Osborne stated well I think we would have a lot more participation on the East Side then we would on the West Side. You were talking about the high school and the kids there. Now when I went over there with you and the Mayor a couple of the seniors told me that some of the kids are jumping on the hoods of their cars. Also, the way it is now, they are sealed up in that center without being able to go outside. There is no place to go. When you rebuild it, you are going to have the same problem. There is no place to go outside of the workman's club. I, myself, wouldn't want to be sealed up in a place 365 days a year where they can have something like I am talking about and get out in the fresh air.

Mayor Baines responded at the end of the day there has to be 10 votes either for what you want or what the other individuals want.

Alderman Osborne stated I understand that. I just wanted to clarify that I would like to talk about the East Side a little bit. I am sick of hearing about the West Side.

Mayor Baines replied I really feel that has been part of the problem since Day 1, that we keep talking East and West. It is one City and Mr. MacKenzie did some very good diagrams of the City in terms of the proximity, first of all from the senior high rises and that is how this was looked at as a potentially very positive site. That was all done. It is not East Side or West Side. It is what is the best place for it looking at all of the issues relating to the senior population – all of the issues not any one aspect of it. The neighborhood issue, whether any of us want to accept it or not, is a very, very strong and powerful issue. That is the difference between a City and some of the other communities that you have talked about. There is a real attachment to neighborhoods, familiarity of neighborhoods, and walking to the centers and I would invite all of you to go over to the West Side and see the attachment to that facility. A lot of people walk there and some even walk from the East Side to the West Side. There are lots of different issues here but at a certain point in time we have to get off this notion of what one Alderman or another wants and come to a consensus. I think we are starting to look, to be honest with you, a little bit foolish around this issue. We need to get a conclusion to it and the sooner the better.

Ms. Dachowski asked can I say something. First of all, we are looking at East Side and West Side according to you gentlemen. The thing that I don't think you are looking at is the humanity. I hear, with all due respect to Alderman Gatsas, I hear him say there are 100 people at bingo. Number one, there are more than 100 people on a Wednesday. We do 2,000 to 2,500 visits per month, which comes out to 100 people per day. Number two, there is a lot more than bingo and line dancing and anything else that goes on. There is the camaraderie. There is the idea that they are not alone. Right now I am trying to help some of the seniors with their hospitalization bills. They are being billed for stuff that they shouldn't be being billed for. This goes on every day, Alderman. This is a big part of the senior center. It is not just playing bingo. It is not just line dancing. It is not just

cards. Do I get emotional about this issue? Yes. I have been doing this for 15 years. They are part of me. This morning one of the seniors called me. Her sister died. She is one of the seniors that had been at the West Side center for years. Do you think that this is a tough job? Yes. We deal with life and death also. We don't deal with just bingo and it really frustrates me when I hear all of this arguing and all of this about being outside and so on and so forth. What they really want and what they really need and I don't care if it is the baby boomers coming up 10 years down the road, you are still going to have the same problem. They need other people. They need people to care about them and they need people to know that there is somebody there for them and that they can have the companionship and the friendship and they don't have to be all alone or eat all alone on a daily basis and so on and so forth. That to me, Alderman, is the most important aspect of the senior center. It has nothing to do with playing bingo. It has to do with humanity and being kind to one another and loving one another.

Alderman Osborne stated I like Alderman Gatsas' idea about the referendum question. When is this going to be built? Is it supposed to be next year? I know that Wellington Road is almost ready to go but the other one will take quite awhile to get the buildings down and everything.

Mayor Baines stated this has been referred back to the Lands and Buildings Committee. Let it go there and they can look at this and if they want they can start looking at every other site in the City but they need to get back, again, with a recommendation so that we can get this matter settled and I would ask Alderman Thibault to schedule a meeting as quickly as possible. You may want to look at this site and there are some other properties that are becoming available through various things that are happening in the City. I will have a discussion with you about that but we need to move this issue and I would ask that we move on at this time.

Alderman Osborne stated I have one more comment. If this site on Wellington Road was brought up three years ago there would have been a senior center over there. I would almost gamble on it.

Mayor Baines replied based on what I have seen around this issue, I think you are absolutely incorrect on that. There is always going to be a difference of opinion on issues like this. For some reason, the senior center seems to be caught in the middle of something...a sinking ship right now I think.

Communication from Alderman Osborne recommending Aldermanic assistance be provided to department heads during development of annual budget submittals.

Alderman Wihby stated my concern would be that you have an Alderman on Police, an Alderman on Fire and an Alderman on Highway and then the one with the Police thinks he is okay and all of the Aldermen are going to be fighting over the different budgets and trying to protect the one that they watched. I don't know if we really gain anything by this. It is probably better to have an Aldermanic Committee reviewing it rather than individual Aldermen looking at different departments because each one is going to say my budget is right, leave it alone and by the time you are done there are not going to be any changes.

Alderman Osborne stated my idea was that having an Alderman at each department going over their budget and what their wishes are and what their wishes aren't and then meet every three months or so as a Board here and bring all of our ideas together so that at the end of the year at least we know halfway where we are going instead of having something thrown at us all at once at the end of the year. It would be a liaison to the departments, that is all.

Alderman O'Neil stated we used to have a liaison program back a few years ago. Not specifically charged with just the budget but to assist the departments in whatever way possible in bringing information back to the Board. I don't know if that is what Alderman Osborne is hoping to accomplish here.

Mayor Baines stated I would suggest that we refer this to the Chairman of the Board to come back with some recommendations at a later date.

On motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to refer this to the Chairman of the Board for recommendation at a later date.

Communication from Alderman Osborne seeking the Board's consideration of a proposal that the City embark upon a new system of hiring potential new employees based on a drawing or lottery process which would be conducted in a public forum atmosphere.

Mayor Baines stated as I have said to Alderman Osborne, I believe this would be in violation of the Charter. Exclusive personnel authority is given to the department heads under the Charter and my recommendation would be to receive and file this.

Alderman Osborne replied I think the Charter can be changed. I had the amendment change done with the Solicitor's Office.

Deputy Solicitor Arnold stated Alderman Osborne did ask me to draft a Charter amendment, which I did and provided to him. I believe that under the current Charter it would be a violation and the Charter would have to be amended.

Alderman Osborne asked but it could be amended, true.

Mayor Baines answered we are having a review of the whole Charter process that is going on the ballot.

Alderman O'Neil moved to refer this item to the Charter Commission when one is selected. Alderman Garrity duly seconded the motion.

Alderman Osborne requested a roll call vote. Aldermen Osborne, Pinard, Shea and Forest voted nay. Aldermen O'Neil, Lopez, DeVries, Garrity, Smith, Thibault, Wihby, Gatsas, Guinta, and Sysyn voted yea. The motion carried.

Alderman O'Neil asked isn't that the only way this change can happen.

Mayor Baines answered that is absolutely the only way.

Alderman Lopez stated I disagree with that, your Honor.

Mayor Baines replied well you could put it on the ballot if you wanted to.

Alderman Lopez responded you could do it by amendment and put a referendum on the ballot.

Mayor Baines replied yes but I think because you have the question on the ballot that is the most logical thing to do with it.

Alderman Osborne stated all I was asking for here was to put this as a non-binding referendum question on the ballot in November. That is all I am asking for here.

Mayor Baines replied a non-binding question would have no stature at all because you would need to amend the Charter to accomplish what you want to do here. You would have to actually amend the Charter.

Alderman Osborne asked first before we put it on the ballot.

Mayor Baines answered exactly.

Alderman Osborne asked we can't put the question on the ballot and let the people decide on this.

Mayor Baines answered not as a non-binding question. It would have to be binding.

Alderman Osborne asked it would have to be binding. Is that right, City Clerk?

Clerk Bernier answered that is correct.

Alderman Osborne stated so I am going to bring it back in as a binding referendum question is that it. That is what I am going to do.

Mayor Baines replied that is fine and again as I told you I would not support it and I don't think it is an appropriate personnel policy. We have a disagreement on that. I respect your opinion but that is not an appropriate process for hiring people to serve government or business.

Communication from Kevin Dillon, Airport Director, requesting authorization to negotiate and execute a Warranty Deed (rather than a Quitclaim Deed) of certain Airport property (approximately 10 acres

located in the Town of Londonderry) to the US Government, Department of Army.

Alderman Forest moved to authorize the Airport Director to negotiate and execute such Warranty Deed subject to the review and approval of the City Solicitor. Alderman Pinard duly seconded the motion.

Alderman DeVries stated I am just wondering in light of the discussion that came up when we were discussing the Rines Center and the West side if maybe Kevin Dillon would be able to give us any further information in reference to this at this point.

Mr. Dillon replied there may be some confusion. This is the Army Reserve Center. It is not the National Guard Center. This is a completely different unit. This is a property transfer that has already taken place, quite frankly, about five years ago where the airport desired to get a certain piece of property that is within the airport proper for property that the airport owned in the Town of Londonderry.

Mayor Baines asked this is not related to a possible relocation of the Armory.

Mr. Dillon answered no. We are working to try to facilitate an ultimate transfer of the National Guard but this is actually the Army Reserve Center.

Mayor Baines replied thank you for the clarification because there was a lot of confusion about that.

Alderman Forest asked, Kevin, is that the building that the BX was in.

Mr. Dillon answered yes.

Alderman Wihby asked are we looking to put them on the same 10 acres, the National Guard.

Mr. Dillon answered they are already on 37 acres. This is an additional 10 acres that they would get for equipment storage.

Alderman Wihby replied no I mean the National Guard.

Mr. Dillon responded no.

Alderman Wihby asked we are not looking to put them on the same piece of property.

Mr. Dillon answered no.

Alderman Wihby asked we are looking to move them somewhere up there.

Mr. Dillon answered no. These are completely separate units. One is the National Guard and we are dealing with the Army Reserve.

Alderman Wihby replied my understanding was that we were talking to the National Guard about moving them up there too.

Mr. Dillon responded we had been talking to the National Guard but on a different site in Londonderry.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Communication from the City Clerk requesting polling hours be set as follows:

- a) Special Election, Tuesday, September 3, 2002 (10AM to 7PM); and
 - b) State Primary Election, Tuesday, September 10, 2002 (6AM to 7PM);
- and further requesting that the September 3rd meeting be rescheduled to September 4th and notes Committee scheduling for the month of September will be adjusted accordingly.

On motion of Alderman Wihby, duly seconded by Alderman Sysyn, it was voted to approve the request.

Alderman Forest asked, Leo, was the pay increase for the election workers ever voted on.

Clerk Bernier answered no. That issue was not addressed during the budget discussions.

Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

On motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to commit the warrant in the amount of \$75,249.49 to the Tax Collector under the Hand and Seal of the Board of Mayor and Aldermen.

Communication from Thomas Bowen submitting a Water Storage Tank Agreement between the City of Manchester through the Manchester Water Works and Alliance Resources, Inc. and advising that the City Solicitor has recommended that the Board review the Indemnification portion (3. Liability) of the Agreement for approval.

Alderman Pinard moved to approve the agreement. Alderman O'Neil duly seconded the motion.

Alderman Wihby asked what is this doing. Is this just sending it to the City Solicitor again? Has the Solicitor already approved it?

Mr. Bowen replied yes.

Alderman Wihby asked so our vote is what, just to approve the agreement. I guess I get confused where it says recommend that the Board review.

Mr. Bowen answered the Solicitor and the Risk Manager have already reviewed the agreement and because there is a hold harmless clause in there, we are holding them harmless for work that we are going to propose to do on their property. The Solicitor felt that it was appropriate that the Board approve that hold harmless clause.

Alderman Wihby asked so basically we are approving what.

Mr. Bowen answered the hold harmless clause in the agreement.

Deputy Solicitor Arnold stated I think in the end that the purpose of this vote is merely to have the Board approve the indemnification agreement that is contained within the Water Tank agreement.

Alderman Wihby asked which you have already reviewed.

Deputy Solicitor Arnold answered yes.

Alderman Gatsas stated I am looking at Page 3 of the agreement under liability. The City Solicitor is agreeing that we should allow somebody...line one "Manchester Water Works agrees to defend with counsel from the City Solicitor's office or other counsel acceptable to acceptable to Alliance". Should we be allowing somebody to pick counsel over the City Solicitor and the City is going to have to pay those fees?

Mr. Bowen replied the intent...the original wording was that they were going to select the counsel. We negotiated this change in the agreement that either we can pick the City Solicitor or anyone else that is acceptable to them but it is our selection.

Alderman Gatsas responded right but if they don't accept the City Solicitor...

Mr. Bowen interjected they have to accept the City Solicitor. That is the intent of that wording. The City Solicitor is acceptable.

Alderman Gatsas replied well that is not what this says if you read it.

Mr. Bowen responded it says from the City Solicitor or other counsel acceptable to Alliance. The City Solicitor is acceptable and if that is not clear we can change that wording subject to Tom's...

Deputy Solicitor Arnold interjected we can work on that wording to make it a little clearer.

Mr. Bowen stated the intent is that the Solicitor's Office is acceptable.

Deputy Solicitor Arnold stated I can understand Alderman Gatsas' concern and we can work on that wording.

Alderman Gatsas stated this indemnity gives them an awful lot of control over what we can and cannot do. The last sentence in that same liability paragraph states "Manchester Water Works shall not settle or compromise any claim without the prior written notice of Alliance." Doesn't that give them an awful lot of strength in what we can and cannot do there?

Mr. Bowen replied I would defer that to the Solicitor's Office. It has been reviewed by both Tom and Harry. It is comparable to language that we require of contractors and developers if the case was reversed to be honest with you.

Deputy Solicitor Arnold stated it is similar to other language that the City has used before. That particular provision, I think, merely provides that the City could not settle a claim without some input by the Alliance.

Mayor Baines called for a vote on the motion to accept the agreement. There being none opposed, the motion carried.

Communication from Thomas Seigle, Chief Sanitary Engineer, advising that as part of an agreement reached in 1999 with the USEPA and NHDES relative to the CSO Land Preservation, the City agreed to acquire and reconvey to The Nature Conservancy two additional parcels of privately owned land deemed critical to protecting the wetland area and is seeking approval of the purchase and sale of two parcels enclosed herein.

On motion of Alderman DeVries, duly seconded by Alderman Forest, it was voted to approve the purchase and sale agreements and further that the Mayor be authorized to execute same on behalf of the City, subject to the review and approval of the City Solicitor.

Communication from Edward Russell and Donald McMahon advising of the appointment of Mary A. Hennessey of 695 Pine Street as Selectman of Ward 3 to replace Gregory E. Reynolds, and further seeking permission of changing the Ward 3 polling location from the Carpenter Center to the Carol M. Rines Center.

Alderman Wihby moved to approve the request. Alderman Lopez duly seconded the motion for discussion.

Alderman Wihby asked is the Rines Center ready to be used on September 3.

Mayor Baines answered yes. We could definitely use it on that day.

Alderman DeVries asked for clarification from the City Clerk's Office regarding whether or not this is going to interfere...maybe not as much this year but in future years with work duties having this in the same building as four other working departments.

Clerk Bernier answered no. The area that we are using is the gallery and it is my understanding that they are going to keep the gallery there. That is the space we are going to be using.

Alderman DeVries asked is that the 5,000 square foot area.

Mayor Baines answered yes. You would go right in and it is to your left. You don't have to access any other part of the building to do that. We would have to put some protection on the floor.

Clerk Bernier replied that is right. It would be similar to what we have done to Northwest Elementary School.

Alderman DeVries asked so the Health Department would still have ongoing business and patrons would be able to seek any necessary permits or assistance.

Mayor Baines stated she is raising some good points because when we discussed this earlier we didn't think the Health Department was going to be in there at that point. Do you see any potential problems there, Leo?

Clerk Bernier replied no. The whole intent, the way I understand it is, the gallery is going to be kept as is and we are going to maintain it.

Mayor Baines stated it is sort of isolated so I think we can effectively take care of that issue.

Clerk Bernier stated if you want I can give you a walk through. Alderman Guinta is happy. Is that correct?

Alderman Guinta stated I am fine with changing the location. The problem is that the current location is not serviceable and also in a very polite way we have been asked to identify another location. This new location appears more serviceable. It doesn't infringe upon whatever will be in the remaining section of the center.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from Lloyd Basinow requesting a public hearing be held relative to fluoridation of Manchester's water supply and placing the appropriate question to the voters by referendum.

Alderman Shea moved to approve the request. Alderman Lopez duly seconded the motion.

Deputy Clerk Johnson stated there is a statutory process involved with this and if the Board is going to consider it I guess we would ask that perhaps it be tabled so the Solicitor and City Clerk can review it.

On motion of Alderman Shea, duly seconded by Alderman Lopez, it was voted to table this item and have the Solicitor and City Clerk report back at the next meeting.

Alderman Forest asked does that mean it won't be on the September ballot if we don't do it tonight.

Clerk Bernier answered it would be on the November ballot and we would still have time.

Communication from Louis Craig, Executive Director of Serenity Place, requesting the Board re-establish a Special Committee on Alcohol and Other Drug Abuse.

Mayor Baines asked Alderman O'Neil since you chaired that committee what is your feeling about this.

Alderman O'Neil answered how about we try to put together many of the same people or same agencies and report back with a recommendation on the make-up of the Committee.

On motion of Alderman O'Neil, duly seconded by Alderman Forest, it was voted to have the Chairman of the Board come back with a recommendation as to the members of the Committee.

Resolution:

“A Resolution authorizing and directing the Mayor to accept all assets now or formerly owned by the Manchester Regional Industrial Foundation.”

On motion of Alderman Thibault, duly seconded by Alderman Guinta, it was voted to read the Resolution by title only, and it was so done.

Alderman Thibault moved that the Resolution be adopted. Alderman Wihby duly seconded the motion.

Alderman Wihby stated I want to make sure that by accepting this we are not accepting the maintenance or anything out of general fund money.

Mayor Baines asked, Mr. Dillon, is that correct.

Mr. Dillon answered yes.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Resolutions:

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Six thousand Dollars (\$6,000.00) for the 2001 CIP 411001, Weed & Seed Coordinators.”

“Amending the FY2000 & 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million Dollars (\$1,000,000) for FY2003 CIP 713203 Notre Dame/Bridge Street Bridge Repair Project.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for the 2002 CIP 711302 LED Replacement Program.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Fifty Thousand Dollars (\$1,050,000) for the 2003 CIP 215703, Public Health Preparedness and Response.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Dollars (\$1,000,000) for FY2003 CIP 811103 Senior Center Project.”

“Authorizing the Finance Officer to effect a transfer of One Million Dollars (\$1,000,000) for the 2003 CIP 713203 Notre Dame/Bridge Street Bridge Repair Project.”

On motion of Alderman Wihby, duly seconded by Alderman Pinard, it was voted to suspend the rules and dispense with the reading by titles only.

On motion of Alderman Garrity, duly seconded by Alderman Sysyn, it was voted that the Resolutions pass and be enrolled.

TABLED ITEM

30. Communication from Jay Taylor, Economic Development Director, requesting to expend an additional \$5,000 in Manchester AirPark funds to complete appraisals related to the proposed Courthouse Square project for a total authorization of \$15,000 based on the lowest of the two proposals received.

Mayor Baines asked, Mr. Taylor, weren't we going to schedule a meeting.

Mr. Taylor answered we could. My understanding was that the Board wanted additional information on the project, which I supplied and it is attached to the agenda. The idea was that once they had the information and no further questions on the project then it would come back for another vote. If the Board would like a presentation, I suppose we could arrange that if the information attached is not sufficient.

Alderman Gatsas stated I guess I better look at the agenda. This is not about the RFP's on the parking garages?

Mr. Taylor replied no.

Alderman Gatsas asked what is the status of that.

Mr. Taylor answered we are in the process of preparing all of the materials that go with that and I guess now that you have asked that question I would like some further direction and clarification from the Board as to whether we, in fact, are going to move forward with that. I know that last time there was an instruction to do that, however, in the interim there has been a number of Aldermen quoted in the paper saying that maybe we shouldn't sell the garages so I am in a little bit of a quandary as to whether or not we are going to do that. I need to get some further direction.

Mayor Baines replied I think the Board took an action to go ahead with the RFP's on that and we will see what happens. That is my understanding.

Alderman Gatsas stated I guess my direct question then is at what stage are the RFP's in.

Mr. Taylor replied I have prepared a notice. I am trying to prepare a package of materials that will go out in the event that someone replies to the notice and says yes we are interested, send us the bid package. That is the part that I am working on now. I am waiting for some figures from Finance regarding the maintenance history of the garages, which we would want to furnish. Once we get that I am pretty much ready to go with the notice.

Alderman Gatsas asked so when do you think that will be completed.

Mr. Taylor answered assuming I get that information in the next week or so I can probably get these notices and the advertisements out in the next couple of weeks.

Alderman O'Neil asked with regard to the garages, I believe Mr. Farrelly from Cushman & Wakefield addressed a letter to me but hopefully all members of the Board and staff got copies of it. He is of the opinion that doing this RFP, if we decide to sell the garages, is not going to bring us the highest dollar value for that. Do you have any opinion on that? Is it something worth discussing?

Mr. Taylor answered I have had some brief conversation with him. I think his point to me was that rather than us trying to do it ourselves we might be better served if we put it in the hands of a broker. I think that is where he is going with that and that certainly is one way of doing it. However, there would be some expense involved in that. It is up to the Board whether they want to go in that direction or not. It certainly is a viable alternative.

Alderman O'Neil asked would you agree with his comment to me that he thinks by going that way that if we decide to sell them we might get more money than with the RFP.

Mr. Taylor answered I think his contention is by going that route he believes in his own mind I guess that they can expose this opportunity to a wider audience than we may be able to ourselves. Whether or not that is going to bring us more money, I would really not be able to comment on. I haven't the foggiest idea.

Alderman O'Neil asked so your recommendation is you are okay with proceeding as the Board voted.

Mr. Taylor answered yes.

Mayor Baines asked what are we going to do with this tabled item.

Alderman DeVries replied when I reviewed the information it became apparent to me that at a point in time when this Board is discussing the possibility of getting out of the business of owning and operating garages that it may not be as apparent for us to go forward with this particular tabled item without further scrutiny. The operating of the garage is what concerns me and that we would be required to on another garage take up the maintenance, etc. I, for one, would like to see the full presentation to see if there is something there that would have changed my mind. I have some recollection of watching it last fall on camera but I think that might help sway me in a different direction. At a point in time when we are talking about getting out of some portion or all of our parking garages, I can't see taking on a new burden.

This item remained on the table.

NEW BUSINESS

a) Communications

Mayor Baines stated I did just hand out and I apologize for not having it earlier, but it is a letter to me from Robert MacKenzie indicating that the Planning Board voted unanimously to the Board of Mayor and Aldermen that Raymond B. Clement be nominated to serve on the Southern NH Planning Commission for a term to expire June 30, 2004 and that Kevin A. McHugh be nominated to serve on the same commission, term to expire June 30, 2006.

Alderman O'Neil stated Alderman Gatsas and I did a resolution on Raymond Clement retiring from the Southern NH Planning Commission.

Mayor Baines replied no that was Raymond Closson.

On motion of Alderman Lopez, duly seconded by Alderman Thibault, it was voted to approve the nominations as presented.

Alderman Wihby stated I passed out a communication on Singer Park that I asked the Solicitor to talk to us about.

Deputy Clerk Johnson replied that was Item 5 and it was determined that it should be done in consultation with legal counsel.

Alderman Wihby asked do we want to wait and do it before the next Board meeting or do you want to go now.

Mayor Baines answered I would say we postpone it to the next meeting.

Alderman Wihby asked maybe we could have somebody here from Singer Park also.

Alderman Lopez stated it might be better to do it now because the other issue that I think we ought to be brought up-to-date on are the unions signing the contracts.

Mayor Baines replied the negotiation is not here. They have another session tomorrow.

Alderman Lopez stated I think this should be done as soon as possible because I am concerned about the non-affiliated employees, too.

Alderman Wihby asked can we go before the next meeting, your Honor, so it is on the agenda and everybody knows.

Deputy Clerk Johnson answered we can schedule a negotiation session first.

Mayor Baines asked the meeting is in two weeks right.

Clerk Bernier answered August 6.

There being no further business, on motion of Alderman Shea, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

City Clerk